

KFM  
9020  
.M7  
1981

# Rules of the Montana Legislature

47th Legislature  
1981

## THE MONTANA CONSTITUTION



MONTANA LEGISLATIVE COUNCIL

Room 138  
State Capitol  
Helena, Montana 59620  
(406) 449-3064

# DEADLINES AND TIME LIMITATIONS

Action	Time	Rule No.
Adjournment	3 days	2-4
Amendments, transmittal	70th day	6-34
Appropriation bills, transmittal	70th day	6-34
Committee bills and resolutions		
introduction	40th day	6-7
revenue bills	66th day	6-7
request	36th day	6-7
revenue bills	62nd day	6-7
Committee membership notice	1 day	S7-1
Committee of the whole consideration after 50th day	1 day after report out of committee	6-22
debate	5 min.	H-1-3
Committee, report out	7 days	7-2
house rules on	1 day	H4-1
Conference committee report		
2nd reading	1 day	S7-3
3rd reading	same day	S7-3
Debate		
committee of the whole	5 min.	H1-3
question called	½ hour	5-6
Engrossing and enrolling	48 hours	3-7
Enrolled bills		
journal entry	1 day after signing	6-21
signing	1 day after reported correctly enrolled or last day	6-21
Fiscal note preparation	6 days	6-36
5 bill rule	Convening date	6-6
Governor		
delivery of bills to	5 days when enrolled 90th day	6-21
nominations, senate confirmation	1 day; same day on last day	S10-2
signing of bills	5 days; 25 days	6-30
House rules, committee report	1 day	H4-1

(continued on inside back cover)

TABLE OF CONTENTS  
SHORT RULES  
JUDICIAL SECTION

**RULES  
of the  
MONTANA LEGISLATURE**

**Adopted  
January 1981**

**Montana Legislative Reference Center  
Capitol Building Room 10  
406-444-3598  
leglib@mt.gov**



TABLE OF CONTENTS  
JOINT RULES  
(White Section)

<u>Chapter</u>	<u>Page</u>
1. Presiding Officer -- Decorum, Order and Debate .....	1
2. Meetings, Quorums and Attendance .....	5
3. Legislative Employees .....	8
4. Order of Business .....	15
5. Motions .....	17
6. Bills and Resolutions .....	22
A. Form of Bills -- Definition of Resolutions -- General Provisions .	22
B. Introduction .....	26
C. First Reading and Referral .....	31
D. Amendments and Substitute Bills .....	32
E. Engrossing and Enrolling .....	34
F. Second Reading -- Committee of the Whole .....	37
G. Third Reading -- Consent Calendar -- Governor's Veto .....	40
H. Transmittal of Bills .....	45
7. Committees .....	49
8. Rules and Journal .....	54
9. Voting Procedure .....	59
10. Consent Calendar .....	63
11. Statement of Legislative Intent .....	65

SENATE RULES  
(Pink Section)

<u>Chapter</u>	<u>Page</u>
1. Presiding Officer -- Decorum, Order and Debate .....	69
4. Order of Business .....	72
5. Motions .....	73
7. Committees .....	74
8. Rules and Journal .....	77
10. Nominations from the Governor ...	78

HOUSE RULES  
(Green Section)

<u>Chapter</u>	<u>Page</u>
1. Presiding Officer -- Decorum, Order and Debate .....	79
2. Meetings, Quorums, and Attendance ..	81
3. Committees .....	82
4. Rules .....	84

Index to Rules .....	85
(Yellow Section)	

Montana Constitution .....	C-1
(Blue Section)	

Index to Montana Constitution .....	C-93
(Salmon Section)	

# JOINT RULES

CHAPTER I  
GENERAL PRINCIPLES  
Article 1

The purpose of the present Rules is to ensure the uniform application of the provisions of the Convention on the Rights of the Child. The Rules shall be applied in accordance with the spirit and letter of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention. The Rules shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention. The Rules shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention.

## JOINT RULES

Article 2  
The provisions of the Convention shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention. The Rules shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention.

Article 3  
The provisions of the Convention shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention. The Rules shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention.

Article 4  
The provisions of the Convention shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention. The Rules shall be applied in a manner that is consistent with the principles of the Convention and shall be interpreted in a manner consistent with the objectives and purposes of the Convention.







## JOINT RULES

---

### CHAPTER 1

#### Presiding Officer - Decorum, Order and Debate

1-1. The presiding officer of the Senate is the president and the presiding officer of the House of Representatives is the speaker. The presiding officer of each house shall take the chair on every legislative day at the hour to which that house adjourned at the last sitting. After call to order, prayer by the chaplain and roll call, a report on the journal for the preceding legislative day shall be given in the presence of a quorum, and each house shall proceed with the regular order of business.

1-2. The presiding officer, or any member acting as presiding officer, of each house shall preserve order and decorum, and in case of disturbance or disorderly conduct, may order the galleries or lobbies to be cleared.

1-3. The presiding officer of each house has general control and direction of the hall, chamber, rooms, passages and corridors of the house over which he presides. Reporters on assignment in either house are subject to placement by the presiding officer.

1-4. The presiding officer of each house shall decide all questions of order, subject to an appeal by any

## JOINT RULES

---

member seconded by two other members. No member may speak more than once on an appeal without the consent of a majority of the house of which he is a member.

1-5. When a member desires to speak he shall rise and address the presiding officer and, being recognized, shall speak standing in his place unless the presiding officer grants permission to speak from some other place on the floor. When two or more members rise at the same time the presiding officer shall name the member who is to speak first.

1-6. When a member has been called to order, he shall sit down until the presiding officer determines whether he is in order or not. If the member is called to order for words spoken in debate, the language excepted to shall be taken down in writing by the chief clerk or secretary.

1-7. Questions of privilege are: first, those affecting the collective rights, safety, dignity, and integrity of the proceedings of either house; and second, those affecting the rights, reputation and conduct of individual members of either house in their capac-

## JOINT RULES

---

ity as members. A question of privilege affecting either house collectively takes precedence over a question of privilege affecting an individual member.

1-8. The presiding officer of each house shall sign all subpoenas approved or issued by the house over which he presides.

1-9. (1) A communication or paper shall be addressed to the presiding officer and shall bear the name of the person submitting it. When the reading of a paper is called for and a member objects, it shall be determined by a vote of the house without debate. This subsection does not apply to bills or to communications from the governor or the other house.

(2) A paper for or against proposed legislation may not be placed on the desks of the members or circulated within the chamber unless the person responsible has signed it and has received permission from the presiding officer to distribute it in the house concerned.

1-10. When the presiding officer is a

## JOINT RULES

---

member of the house over which he is  
presiding he shall vote as any other  
member and may not vote a second time.

## JOINT RULES

---

### CHAPTER 2

#### Meetings, Quorums, and Attendance

2-1. The hour of meeting of the Senate and House of Representatives may be as ordered by the Senate or House.

2-2. Lobbying on the floor of the Senate or House of Representatives is prohibited during the session and within one hour prior to the commencement of a session and within one-half hour after recess or adjournment.

2-3. The sessions of the legislature and of the Committee of the Whole, all committee meetings, and all hearings shall be open to the public (Montana Constitution, Art. V, Sec. 10(3)).

2-4. Neither house shall, without the consent of the other, adjourn or recess for more than three days, nor to any other place than that in which the two houses shall be sitting (Montana Constitution, Art. V, Sec. 10(5)).

2-5. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such

## JOINT RULES

---

penalties as each house may prescribe (Montana Constitution, Art. V, Sec. 10(2)).

2-6. Unless he is excused, a member of the House or Senate shall be present at every sitting of the house of which he is a member.

2-7. In the absence of a quorum, a majority of members present in either house may compel the attendance of absent members by ordering a call of the house of which they are members.

2-8. If a quorum is present, five members of the Senate may order a call of the Senate, and fifteen members of the House of Representatives may order a call of the House.

2-9. On a call of either house, a member who refuses to attend may be arrested by the sergeant-at-arms or any other person, as the majority of such members present shall direct. When the attendance of an absent member is secured after a call of either house, if the house of which he is a member refuses to excuse his absence, he shall not be paid any expense payments during his absence and is liable for the

## JOINT RULES

---

expenses incurred in procuring his attendance.

2-10. During a call of either house, all business of that house shall be suspended. After a call has been ordered no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote.

2-11. If either house is in session upon a given day, whether or not the other house is in session, that day shall constitute a legislative day.



## JOINT RULES

---

### CHAPTER 3 Legislative Employees

3-1. The legislature shall prescribe the compensation of the employees of each house by joint resolution. Each house shall prescribe the duties of its officers and employees, and no payment shall be made from the state treasury, or be in any way authorized to any such person, except to an acting officer or employee elected or appointed in pursuance of law.

3-2. The Legislative Council shall be responsible for maintaining personnel files.

3-3. The committee on legislative administration of each house shall appoint secretaries for a standing or special committee on recommendation of the committee chairman, subject to the approval of the respective houses. A secretary for a standing or special committee is immediately responsible to the committee chairman, but when not occupied with the duties of a committee, shall work under the direction of the chief stenographer of each house. The Legislative Council shall hire all engrossing and enrolling typists; and

## JOINT RULES

---

proofreaders who are under the direction of the bills committee.

3-4. The presiding officer and the majority and minority floor leader of each house may each appoint a private secretary.

3-5. The secretary of the Senate and chief clerk of the House of Representatives are responsible to the presiding officers of their respective houses. Their duties are to:

(a) have custody of all records, bills, documents, and other papers;

(b) supervise the making and examination of the journal and the handling of bills and resolutions;

(c) deliver to the secretary of state at the close of each session the journal, bill books and resolution books, and all copies of introduced bills and joint resolutions;

(d) collect from the chairman or secretaries of all standing committees, special committees, and conference committees, the minutes of such committees and deliver them to the state historical

## JOINT RULES

---

society. (See Rule 7-4)

3-6. Journal clerks, bill clerks, typists, and other employees responsible for legislative functions, except secretaries for standing or special committees, secretaries to presiding officers, and secretaries to majority and minority floor leaders, are immediately responsible to the secretary of the Senate or the chief clerk of the House, subject to the general supervision of the presiding officer.

3-7. The duties of the engrossing and enrolling clerks are:

(a) to engross or enroll all bills delivered to them within forty-eight hours after they have been received, unless further time is granted, in writing, by the presiding officer of the house in which the bill originated;

(b) to correct clerical errors, with the consent of the secretary of the Senate or chief clerk of the House of Representatives, in any bill originating in the house by which they are employed. Clerical errors such as the following may be corrected:

## JOINT RULES

---

- (i) errors in spelling
- (ii) errors in numbering sections
- (iii) adding or deleting underlining or lines through matter to be stricken
- (iv) material copied incorrectly from the Montana Code Annotated.

The secretary of the Senate or chief clerk of the House shall obtain written permission from the principal sponsor before such corrections are made.

When a committee is the sponsor of a bill, any member thereof so designated by the chairman may be the principal sponsor for the purpose of this section.

3-8. (1) The sergeants-at-arms are responsible to the presiding officers of their respective houses. Their duties are to:

- (a) maintain order under the direction of the presiding officer;
- (b) execute commands and serve all processes;
- (c) receive, distribute and have cus-

## JOINT RULES

---

tody of supplies.

3-9. The assistant sergeant-at-arms, doorkeepers, watchmen, janitors, pages and other employees responsible for general housekeeping functions are immediately responsible to the sergeant-at-arms, subject to the general supervision of the presiding officer.

3-10. The duties of the chaplain of each house are to open each day's session with a prayer.

3-11. A legislative aide is a person who has registered with the clerk of the House or secretary of the Senate and has been issued a distinctive identification form such as a name tag. Such identification may be issued only upon receiving written verification from a member that the person involved is serving him as an aide. A person may not represent himself to be a legislative aide unless he carries such identification. The sergeants-at-arms and doorkeepers shall enforce this rule. Legislative aides must be of legal age unless otherwise approved by the presiding officer.

No member may designate more than one aide without the approval of the Rules

## JOINT RULES

---

Committee of the house involved.

Qualifications for legislative interns are specified in Title 5, chapter 6, MCA.

3-12. An employee, legislative aide, or legislative intern of either house is prohibited from lobbying as defined in Section 5-7-102(1), MCA. However, such person may testify before a committee of either house on the request of the committee. Any person violating this rule shall be discharged.

3-13. Disputes or complaints involving the competency or decorum of a legislative employee shall be referred to the committee on legislative administration of the house by which the employee is employed. The committee, in its discretion, may dismiss, suspend or retain the employee. The committee on legislative administration shall periodically review the roster of employees and shall dismiss surplus employees.

3-14. The offices of the Legislative Council shall serve both the Senate and House of Representatives as required.

The Council staff shall prepare pay-

## JOINT RULES

---

rolls for certification and signature by the presiding officer and prepare a monthly financial report and distribute the report to legislative leaders in each house and to members of the Senate Committee on Finance and Claims and House Committee on Appropriations.

3-15. Contracts for purchase or lease of equipment and supplies made during the legislative session shall be made on the approval of the committee on legislative administration of each house, subject to the review of the presiding officer of the respective house. Purchase orders shall be issued by Legislative Council staff and accounting records kept in that office.



## JOINT RULES

---

### CHAPTER 4 Order of Business

4-1. After prayer, roll call, and report on the journal, the order of business of the Senate and House of Representatives is as follows:

- (1) Communications and petitions
- (2) Reports of standing committees
- (3) Reports of select committees
- (4) Messages from the governor
- (5) Messages from the other house
- (6) Motions
- (7) First reading and commitment of bills
- (8) Second reading of bills (Committee of the Whole)
- (9) Third reading of bills and consent calendar bills
- (10) Unfinished business
- (11) Special orders of the day

## JOINT RULES

---

(12) Announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the house involved shall revert to Order of Business No. 1 when reconvening after a recess.

## JOINT RULES

---

### CHAPTER 5 Motions

5-1. When a motion is made it shall be restated by the presiding officer, and, if requested by the presiding officer or a member, shall be reduced to writing and read aloud. A motion may be withdrawn by the member making it at any time before it is amended or voted upon.

5-2. When a question is under debate no motion may be made except the following privileged and subsidiary motions which have precedence in the order listed:

- (1) to adjourn
- (2) for a call of the house
- (3) to recess
- (4) question of privilege
- (5) to lay on the table
- (6) for the previous question
- (7) to postpone to a certain day
- (8) to refer or commit

## JOINT RULES

---

(9) to amend

(10) to postpone indefinitely.

A question may be indefinitely postponed by a majority roll call vote of all members present and voting. When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again during the bien-nium except upon a motion of reconsideration made pursuant to Rule 5-4.

5-3. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

5-4. Any member may, on the day the vote was taken or on the next day the house in which the action was taken is in session, move to reconsider the question. A motion to reconsider may not be withdrawn after such next legislative day without the unanimous consent of the house concerned, and thereafter any member may call it up for consideration; however, a motion to reconsider made after the fifty-fourth day of the session shall be disposed of when made. A motion to recall a bill from the other

## JOINT RULES

---

house constitutes notice to reconsider and shall be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the other house may be made only under Order of Business No. 6, and under that order of business takes precedence over all motions except motions to recess or adjourn.

5-5. When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

5-6. (1) Except as provided in subsection (2) of this rule, the effect of moving the previous question, if adopted, is to close debate immediately, to prevent the moving of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question and the adhering subsidiary motions, whether on appeal or otherwise.

(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one-half of such time to be given

## JOINT RULES

---

to the proponents and one-half to the opponents.

5-7. A call of the house is not in order after the previous question is ordered, unless it appears upon an actual count by the presiding officer that a quorum is not present.

5-8. The following motions are not debatable:

- (1) to adjourn
- (2) for a call of the house
- (3) to recess
- (4) for parliamentary inquiry
- (5) for suspension of the rules
- (6) to lay on the table
- (7) for the previous question
- (8) to limit, extend the limits of, or to close debate
- (9) to amend an undebatable motion
- (10) to divide a question

## JOINT RULES

---

(11) to pass business in Committee of the Whole

(12) to take from the table

(13) a decision of the presiding officer, unless appealed or unless he submits the question to the house for advice or decision

(14) all incidental motions, such as motions relating to voting or other questions of a general procedural nature.

5-9. A member may move to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain.

5-10. No more than one amendment and no more than one substitute motion may be made to a motion. This rule permits the main motion and two modifying motions.



## JOINT RULES

---

### CHAPTER 6 Bills and Resolutions

#### A. Form of Bills -- Definition of Resolutions -- General Provisions

6-1. The only types of instruments other than bills which may be introduced in either house of the legislature are as follows:

(1) A simple resolution is a formalized motion passed by one house only and bears the heading "House Resolution" or "Senate Resolution". It may be used only to adopt or amend the rules of one house or to provide for the internal affairs of the house adopting it. It does not require three readings or a roll call vote. A member offering a simple resolution may read it in his place before introduction. When a simple resolution has been introduced, it shall be referred to a committee. Final action shall be taken on the Committee of the Whole report. The transmittal of copies of simple resolutions is the responsibility of the chief clerk or secretary of the house of origin.

A copy of every simple resolution is to be transmitted after adoption to the

## JOINT RULES

---

secretary of state by the secretary of the Senate or chief clerk of the House.

(2) A joint resolution must be adopted by both houses and is not approved by the governor. It may be used to:

(a) express desire, opinion, sympathy, or request of the legislature;

(b) request an interim study by a legislative subcommittee;

(c) adopt or amend the joint rules;

(d) set salaries and other terms of employment for Legislative employees;

(e) approve construction of a state building under section 18-2-102 or 20-25-302, MCA;

(f) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA;

(g) submit a negotiated settlement under section 39-31-305(3), MCA;

## JOINT RULES

---

(h) declare or terminate an energy emergency under section 90-4-310, MCA;

(i) ratify or propose amendments to the United States Constitution; and

(j) direct changes to, repeal, or direct adoption of a rule in the Montana Administrative Code. Except as otherwise provided in these rules or the Constitution of the State of Montana, a joint resolution is treated in all respects as a bill.

A copy of every joint resolution is to be transmitted after adoption to the secretary of state by the secretary of the Senate or chief clerk of the House.

6-2. All bill drafting requests shall require a legislative sponsor. Bills shall be typewritten on paper eight and one-half by eleven inches with twenty-five numbered lines, and shall be introduced in quadruplicate. Bills shall be numbered at the foot of each page (except page one) and shall have white covers of a substantial material. In sections amending existing statutes, matter to be stricken out shall be indicated with a line through the words or part to be deleted, and new matter shall

## JOINT RULES

---

be underlined. Sections of the Montana Code Annotated repealed or amended in a bill shall be stated in the title except for general appropriation bills and bills for the codification and general revision of the laws. Introduced bills will be reproduced on white paper and distributed to legislators.

6-3. No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall contain more than one subject, which shall be clearly expressed in the title. The enacting clause of every law shall be as follows: "Be it enacted by the legislature of the state of Montana".

A bill shall be used to propose amendments to the Constitution of the State of Montana and shall not be subject to the veto of the governor (Montana Constitution, Art. VI, Sec. 10(1)).

6-4. All appropriation bills shall originate in the House of Representatives.

The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legis-

## JOINT RULES

---

lative, executive, and judicial branches of state government, interest on public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject (Montana Constitution, Art. V, Sec. 11(4)). Appropriation bills for the operation of the legislature shall be introduced by the chairman of the House Committee on Appropriations.

6-5. Every statute, unless a different time is prescribed therein, takes effect on the first day of July of the year of its passage and approval. Every joint resolution, unless a different time is prescribed therein, takes effect from its passage (Sections 1-2-201 and 1-2-202, MCA).

### 3. Introduction

6-6. (1) A legislator may not request more than five bills from the Legislative Council nor may a legislator introduce more than five bills. This limit does not apply to:

(a) bills requested prior to the convening date of each session;

(b) interim committee bills;

## JOINT RULES

---

- (c) state agency bills;
- (d) code commissioner bills;
- (e) resolutions;
- (f) standing committee bills;
- (g) appropriation bills; or
- (h) revenue bills.

(2) Bills and joint resolutions will be checked by the staff of the Legislative Council prior to introduction for proper format, style, and legal form. Bills will be entered on the automated bill drafting equipment, typed, and delivered in quadruplicate to the requesting legislator. A stamp shall be affixed to the original bill cover and signed to indicate Council review. If such stamp is not affixed, the bill may not be introduced.

(3) During a session a bill may be introduced by endorsing it with the name of a member and presenting it to the chief clerk or secretary in quadruplicate. Bills or joint resolutions may be sponsored jointly by Senate

## JOINT RULES

---

and House members. A jointly sponsored bill shall be introduced in the house in which the legislator whose name appears first on the bill is a member. The chief joint sponsor's name shall appear immediately to the right of the first sponsor's name. Bills, joint resolutions, and simple resolutions shall be numbered consecutively in each session of the legislature in separate series in the order of their receipt.

(4) Any bill proposed by a legislative committee or introduced by request of an administrative or executive agency or department shall be so indicated following the names of the sponsors, "By Request of the ..... (Name of Agency or Committee)".

(5) Bills may be prefiled, numbered, and preprinted prior to a legislative session by the staff of the Legislative Council. Actual signatures may appear on the face of the prefiled bill or signatures may be obtained on a consent form from the Legislative Council and the sponsor's name typed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded



## JOINT RULES

---

to the Legislative Council to be included on the face of the bill following standing committee approval.

All prefiled bills will be made available to the public.

(6) Before introduction a joint resolution described in Joint Rule 6-1(2)(a) must be approved by the joint rules committee and each simple resolution must be approved by the rules committee of the house introducing it. A stamp indicating such approval shall be affixed to the cover of the resolution before presentation to the chief clerk of the House or secretary of the Senate.

6-7. The following schedule must be followed for submission of drafting requests and introduction of bills and resolutions.

Request	Introduction
Deadline	Deadline
5:00 P.M.	5:00 P.M.
<u>Legislative Day</u>	

### General Bills and Resolutions

10

4

(or 2 legislative  
days after delivery

## JOINT RULES

---

		if delivery is after 14th day)
Revenue Bills	17	21
Committee Bills and Resolutions	36	40
Committee Revenue Bills	62	66
Appropriation Bills	No deadline	No deadline
Interim Study Resolutions	No deadline	No deadline
Joint Resolutions Concerning Administrative Rules	No deadline	No deadline

6-8. No bill may be introduced or received in a house after that house has finally rejected a bill during that session designed to accomplish the same purpose save upon approval by the rules committee of the house in which the bill is offered for introduction or reception.

Failure to override a veto does not constitute final rejection.

## JOINT RULES

---

6-9. At least three-fourths of a standing committee must consent to the introduction of a committee bill.

### C. First Reading and Referral

6-10. No motion affecting a bill is in order on its first reading except as provided in Joint Rule 6-6.

Upon introduction or reception of a bill, the chief clerk of the House or the secretary of the Senate shall publicly post upon a listing that bill by a summary of its title in the house of origin and by a summary of its title and by its history in the second house, together with a notation of the committee to which it has been assigned, and such posting shall constitute the first reading of the bill.

6-11. No bill shall be considered or become a law unless referred to a committee and returned therefrom.

6-12. Upon introduction or reception of a bill, it shall be referred to a committee by the presiding officer.

6-13. A bill may be rereferred at any

## JOINT RULES

---

time before its passage.

### D. Amendments and Substitute Bills

6-14. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended shall be reenacted and published at length.

6-15. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose (Montana Constitution, Art. V, Sec. 11(1)).

6-16. A committee may recommend that every clause in a bill be changed and that entirely new matter be substituted so long as the new matter is relevant to the title and subject of the original bill. A substitute bill shall be considered as an amendment and not as a new bill.

6-17. The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the bill following the enacting clause and to substitute the new bill, recom-

## JOINT RULES

---

mending also any necessary changes in the title. If a committee report recommending a substitute for a bill originating in the other house is adopted, the substitute bill shall be printed.

6-18. Amendments to a bill by the second house shall not be further amended by the house in which the bill originated, but must either be accepted or rejected. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated.

6-19. If a majority of a house adopts a recommendation for the passage of a bill originating in that house after it has been returned from a committee with amendments, not less than six hundred copies of the bill shall be printed on yellow paper with all amendments incorporated into the printed copies. If the bill has been returned from a committee without amendments, only the first sheet shall be printed on yellow paper, and the remainder of the text incorporated by reference to the preceding printed version of the entire bill. Bills referred to the bills committee of the house of origin for printing must be reported within three days

## JOINT RULES

---

unless further time is granted by that house.

### E. Engrossing and Enrolling

6-20. When a bill has been reported favorably by Committee of the Whole of the house of origin and the report has been adopted, the bill shall be engrossed under the direction of the bills committee, and when reported correctly engrossed by the committee shall be placed on the calendar for third reading on the succeeding legislative day. Committee of the Whole amendments shall be included in the engrossed bill. Copies of the engrossed bill to be distributed to legislators will be reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it may be engrossed without retyping, and only the first sheet shall be printed on blue paper with the remainder of the text incorporated by reference to the preceding printed version of the entire bill.

If a bill is amended by the standing committee or Committee of the Whole in the second house, the amendments will be included in a reference bill and dis-

## JOINT RULES

---

tributed in the second house for third reading consideration. The amendments will also be reproduced and attached to the reference bill. If the bill passes on third reading, copies of the reference bill and second house amendments will be distributed in the original house.

6-21. When a bill has passed both houses it shall be enrolled under the direction of the bills committee of the house of origin. An original and two duplicate typewritten copies of the bill shall be enrolled, free from all corrections and errors, with a margin of two inches at the top and one inch on each side, with twenty-five unnumbered lines to the page. In sections amending existing statutes new matter shall be underlined, and matter stricken with a line through it shall be omitted. The typewriting shall be done with a black record ribbon, pica type, on paper eight and one-half inches wide and eleven inches long. The original and two copies of the bill shall be red lined. The history of the bill shall also be enrolled and placed with the bill in a white manuscript cover, upon which is written the number of the bill and the title. A copy of the history shall be

## JOINT RULES

---

filed with the law library.

When the enrolling has been completed, the bill shall be examined by the sponsor and the bills committee and reported correctly enrolled.

The correctly enrolled bill shall be delivered to the presiding officer of the house in which the bill originated. The presiding officer shall sign the original and two copies of each bill delivered to him not later than the next legislative day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day in which event it shall be signed that day. The fact of signing shall be announced by the presiding officer and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly enrolled and before the signing, if a member signifies his desire to examine the bill, he shall be permitted to do so. The bill shall then be transmitted to the other house where the same procedure shall be followed.

A bill that has passed both houses of the legislature by the ninetieth day may be enrolled; clerically corrected by the



## JOINT RULES

---

presiding officers, if necessary; signed by the presiding officers; and delivered to the governor not later than 5 days after the ninetieth legislative day. All journal entries authorized under this rule will be entered on the journal for the ninetieth day.

The original and two copies signed by the presiding officer of each house shall be presented by the bills committee to the governor. The bills committee shall take a receipt from the governor and shall report to the house the day and hour of such presentation, which shall be entered in the journal. The original shall be filed with the secretary of state. Signed copies with chapter numbers assigned pursuant to Section 5-11-204, shall be filed with the clerk of the supreme court and the Legislative Council.

### 6-22. Second Reading -- Committee of the Whole

6-22. All bills, except consent calendar bills, which have been reported by a committee, accepted by the house concerned and printed, shall be posted on the calendar for consideration by Committee of the Whole. The secretary of

## JOINT RULES

---

the Senate or chief clerk of the House shall record the time each bill is received and the time the bill is placed on members' desks. Until the fiftieth legislative day, one day must elapse between the time a committee approved bill is placed on the members' desks and consideration by Committee of the Whole. Bills shall be arranged on the calendar in numerical order unless they are companion bills or are otherwise ordered by the house or Committee of the Whole of the house concerned.

6-23. Every bill considered in Committee of the Whole shall be read by a summary of its title and considered section by section.

All Committee of the Whole amendments shall be prepared and delivered to the clerk for reading before the amendment is voted on. The amendment form will include the date and time of the amendment. Each rejected proposed amendment shall be identified and kept in the office of the chief clerk of the House or secretary of the Senate. Upon adjournment, the text of such amendments shall be delivered to the state archives.

## JOINT RULES

---

6-24. Prior to adoption of a Committee of the Whole report, a member may move to segregate a bill. If the motion prevails, the bill remains on second reading.

6-25. When a Committee of the Whole report on a bill is rejected the bill shall remain on second reading.

6-26. Either house may resolve itself into a Committee of the Whole by approval of a motion for that purpose. So far as may be applicable, the rules governing each house shall be observed when that house resolves itself into a Committee of the Whole, except as follows:

- (1) The only motions in order are to:
  - (a) amend;
  - (b) recommend passage or nonpassage;
  - (c) recommend concurrence or nonconcurrence;
  - (d) indefinitely postpone;
  - (e) pass consideration;

## JOINT RULES

---

(f) rise;

(g) rise and report; or

(h) rise and report progress and ask leave to sit again.

(2) The committee may not appoint subcommittees.

(3) The committee may not punish its members for misconduct, but may report disorder to the house concerned.

(4) Unless otherwise prescribed by either house before going into Committee of the Whole, a member may speak as often as he is recognized and for as long each time as is allowed in debate in the particular house.

6-27. After a Committee of the Whole has been formed, the presiding officer shall appoint a chairman to preside. Upon resuming the chair, the presiding officer shall receive the report of the chairman of the committee and the house shall take action on the report.

G. Third Reading -- Consent Calendar --  
Governor's Veto

## JOINT RULES

---

6-28. No bill shall become a law except by vote of a majority of all the members present and voting in each house, nor unless on its final passage the vote be taken by ayes and noes, and the names of those voting be entered on the journal (Montana Constitution, Art. V, Sec. 11(1) and (2)).

Any vote in one house on a bill proposing an amendment to the Montana State Constitution where the mathematical possibility exists of obtaining the necessary two-thirds vote of the legislature will cause the bill to progress as though it had received the majority vote.

6-29. Except for consent calendar bills, every bill shall be read three times prior to passage, either by title or by summary of title as provided in these rules. The first reading shall be as prescribed in Joint Rule 6-10; the second prior to debate in Committee of the Whole; and the third, which shall be by complete title, prior to final passage. No bill shall receive more than one reading on the same day except on the last legislative day. No amendment may be offered on the third reading.

## JOINT RULES

---

6-30. (1) Each bill passed by the legislature, except bills proposing amendments to the Montana Constitution, bills ratifying proposed amendments to the United States Constitution, resolutions, and referendum measures of the legislature, shall be submitted to the governor for his signature. If he does not sign or veto the bill within five days after its delivery to him if the legislature is in session or within twenty-five days if the legislature is adjourned, it shall become a law. The governor shall return a vetoed bill to the legislature with a statement of his reasons therefor.

(2) The governor may return any bill to the legislature with his recommendation for amendment. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the governor for his reconsideration. The governor shall not return a bill for amendment a second time.

(3) If after receipt of a veto message, two-thirds of the members present approve the bill, it shall become law.

(4) If the legislature is not in

## JOINT RULES

---

session when the governor vetoes a bill, he shall return the bill with his reasons therefor to the legislature as provided by law. The legislature may reconvene to reconsider any bill so vetoed.

(5) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).

6-31. Upon receipt of a veto message the presiding officer shall read the message. After the reading a member may move that the governor's veto shall be overridden. A vote on the motion shall be determined by roll call. If two-thirds of the members present vote "aye" the veto is overridden. If two-thirds of the members present do not vote "aye" the veto is sustained.

6-32. If the governor returns a bill to the originating house with his recommendations for amendment, such house shall reconsider the bill under its rules relating to amendment offered in Committee of the Whole. The bill is then subject to the following procedures:

## JOINT RULES

---

(a) The originating house shall transmit to the second house, for consideration under its rules relating to amendments in Committee of the Whole, the bill and the originating house's approval or disapproval of the governor's recommendations.

(b) If both houses approve the governor's recommendations the bill shall be returned to the governor for his reconsideration.

(c) If both houses disapprove the governor's recommendations the bill shall be returned to the governor for his reconsideration.

(d) If one house disapproves the governor's recommendations and the other house approves, then either house may request a conference committee which may be a free conference committee.

(i) If both houses adopt a conference committee report, the bill in accordance with the report shall be returned to the governor for his reconsideration.

(ii) If a conference committee fails to reach agreement or if its report is



## JOINT RULES

---

not adopted by both houses the governor's recommendations shall be considered not approved and the bill shall be returned to the governor for further consideration.

### 6-33. Transmittal of Bills

6-33. Each house shall transmit to the other with any bill all relevant papers. When a house bill is transmitted from the House of Representatives to the Senate, the secretary of the Senate shall give a dated receipt for the bill to the chief clerk of the House. When a Senate bill is transmitted to the House of Representatives, the chief clerk of the House shall give a dated receipt to the secretary of the Senate.

6-34. No bills, except for appropriation bills, revenue bills and amendments considered by joint committee need to be acted upon (save for reference to a committee by the presiding officer) if transmitted from one house to the other after the forty-fifth legislative day, but shall be held pending in the house to which it is transmitted unless two-thirds of the members present and voting shall determine that the bill shall be acted upon. Amendments, except to

## JOINT RULES

---

appropriation bills and revenue bills, shall likewise be deferred for consideration if transmitted after the seventieth legislative day thereof.

A revenue bill is one which would either increase or decrease tax collections.

Appropriation and revenue bills shall be transmitted from the original house on or before the seventieth day unless two-thirds of the members present and voting in the receiving house shall determine that the bill may be transmitted after the seventieth day.

6-35. When a bill has received its third reading or has been rejected, the house that considered the bill shall as soon as possible transmit it to the other house with notice of its action.

6-36. All bills reported out of a committee of the legislature having an effect on the revenues, expenditures, or fiscal liability of the state, except appropriation measures carrying specific dollar amounts, shall include a fiscal note incorporating an estimate of such effect. The Legislative Council staff shall indicate at the top of each bill

## JOINT RULES

---

prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes shall be requested by the presiding officer of either house, who shall determine the need for the note at the time of introduction, based on the Legislative Council staff recommendation.

The state budget director, in cooperation with the agency or agencies affected by the bill, is responsible for the preparation of the fiscal note and shall return the same within six days, unless further time is granted by the presiding officer or committee making the request based upon a written statement from the budget director that additional time is necessary to properly prepare the note.

A completed fiscal note shall be submitted by the budget director to the presiding officer who requested it, who shall refer it to the committee considering the bill. All fiscal notes shall be printed and placed on the members' desks.

Fiscal notes shall, where possible, show in dollar amounts the estimated increase or decrease in revenues or

## JOINT RULES

---

expenditures, costs which may be absorbed without additional funds, and long-range financial implications. No comment or opinion relative to merits of the bill shall be included; however, technical or mechanical defects may be noted.

A fiscal note also may be requested on a bill and on an amendment by:

(1) a committee considering the bill, or

(2) a majority of the members of the house in which the bill is to be considered, at the time of second reading, or

(3) the chief sponsor through the presiding officer.

The budget director shall make available on request to any member of the legislature all background information used in developing a fiscal note (Title 5, chapter 4, part 2, MCA).

## JOINT RULES

---

### CHAPTER 7 Committees

7-1. The committee on legislative administration of each house shall consider all matters concerned with seating, mileage and expenses, legislative employees, the control of the legislative property, and the budgeting for and expenditure of appropriations for the operation of the legislature, in cooperation with the Legislative Council staff.

7-2. A standing committee shall submit a written report in triplicate on all bills or matters referred to it within seven days after reference, unless at the request of the committee and for good cause shown, further time is granted by the house concerned.

7-3. If the members of a committee cannot agree on a report, the majority and minority of the committee present at a committee meeting may submit separate reports. Only one minority report may be submitted. Such reports shall be entered at length on the journal, unless otherwise ordered by the house concerned.

7-4. All committees and subcommittees

## JOINT RULES

---

shall keep minutes of their meetings and, at the close of the session, shall make an original and two complete copies and shall turn the original of the minutes over to the chief clerk of the House or secretary of the Senate for delivery to the historical society. The Legislative Council and the law library shall each be given one copy of the minutes.

7-5. The committee on bills and journal, the rules committee, and conference committees may report at any time, except during a call of the house or when a vote is being taken. Reports from the bills and journal committee shall stand approved without formal action.

7-6. All bills providing for an appropriation of public money may first be considered by a joint committee composed of the members of the Senate Committee on Finance and Claims and the House Committee on Appropriations, and then by each separately. Meetings of the joint committee shall be held upon call of the chairman of the House Committee on Appropriations who shall be chairman of the joint committee.

7-7. The chairman of each committee

## JOINT RULES

---

has general control and direction of the hall and committee room of the committee over which he presides, subject to the control of the presiding officer under Rule 1-3. Except as provided in Joint Rule 7-6, the chairman of the Senate committee shall be chairman of all joint committees.

7-8. If either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the Senate and the House of Representatives cannot agree, the other house shall appoint a committee consisting of the same number of members. The time and place of all conference committee meetings shall be agreed upon by their chairman and be announced from the rostrum. This announcement is in order at any time. Failure to make this announcement shall not affect the validity of the legislation. The conference committees, having conferred, shall report to their respective houses the result of their conference. A conference committee shall confine itself to the disputed amendment.

If either house requests a free conference committee and the other house concurs, appointments will be made the

## JOINT RULES

---

same as above. A free conference committee may discuss a bill in its entirety and is not confined to a particular amendment.

7-9. In joint committees other than conference committees, members vote individually and not by houses. Because conference committees are joint meetings of separate committees, in conference committees the committees from each house vote separately, and a majority of each committee must agree before any action may be taken.

7-10. Conference committee reports must give clerical instructions for enrolling by referring to the reference bill version.

When a conference committee report is filed with the secretary or clerk the same shall be read under Order of Business No. 3, select committees, and placed on the calendar for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day. On the final legislative day a conference committee report shall be placed on the calendar for immediate consideration on second



## JOINT RULES

---

reading and shall be further considered on third reading the same legislative day.

7-11. Accredited press representatives may not be excluded from any public legislative meeting or hearing and may not be prohibited from taking photographs, televising, or recording the committee or house hearings, subject to the discretion of the presiding officer in all matters of decorum and order.

7-12. A committee block scheduling system will be implemented in the Senate and House of Representatives. The schedule will be coordinated between houses and will be adjusted according to the legislature's work load.

## JOINT RULES

---

### CHAPTER 8 Rules and Journal

8-1. Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time, publish the same, and the ayes and noes on any question shall, at the request of any two members, be entered on the journal.

8-2. The proceedings of each house which shall be entered on its journal include:

(1) the number of each bill when it is introduced and subsequently considered; the title of each bill shall be printed in the index of the permanent journals.

(2) every motion and the name of the member making it;

(3) proposed constitutional amendments which have been voted for by two-thirds of the members (Montana Constitution, Art. XIV, Sec. 8);

(4) committee reports;

(5) roll call votes;

## JOINT RULES

---

(6) messages from the governor and the other house;

(7) an entry of the oath taken by the members (Sec. 5-2-214, MCA).

8-3. The bills and journal committee of each house shall supply the Legislative Council with the contents of the daily journal to be programmed on automated equipment, examine its journal, distribute a daily journal to all legislators, correct any errors, and report each legislative day immediately after roll call.

8-4. The journal of the Senate must be authenticated by the signature of the president, and the journal of the House of Representatives by the signature of the speaker. The distribution of the completed journals shall be made by the Legislative Council (Sec. 5-11-201 through 5-11-203, MCA).

8-5. (1) A joint rule may be repealed or amended only with the concurrence of both houses, under the procedures adopted by each house for the repeal or amendment of its own rules.

(2) A joint rule governing the proce-

## JOINT RULES

---

cedure for handling bills may be temporarily suspended by the consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

(3) Any rules committee report recommending a change in joint rules shall be referred to the other house for concurrent action. Any new rule or any change in the rules of either house shall be transmitted to the other house for informational purposes.

8-6. Mason's Manual of Legislative Procedure governs the proceedings of the Senate and House of Representatives in all cases not covered by these rules.

8-7. The Legislative Council shall codify and publish in one volume the rules of the Senate, the rules of the House of Representatives and the joint rules of the Senate and House of Representatives. Upon adoption, the secretary of the Senate and the chief clerk of the House of Representatives shall provide the office of the Legislative Council with one copy of all motions or resolutions amending Senate, House or joint rules, and with copies of all minutes and reports of the rules committees.

## JOINT RULES

---

After the rules have been published, the Legislative Council shall distribute copies as directed by the Senate and House of Representatives.

8-8. Pursuant to the authority established in Sections 5-11-211 through 5-11-214, the following fee schedule is established for the legislative proceedings:

One complete set of the proceedings of any regular session, \$250; an additional \$150 is required for mailing.

One complete set of the proceedings of any special session, \$25.

Single copies of bills, resolutions, amendments, status sheets, or other documents may be purchased according to the length of the document as follows:

1-5 pages.....	\$ .25
6-15 pages.....	\$ .50
16-40 pages.....	\$1.00
41-100 pages.....	\$1.50
101-200 pages.....	\$2.00

## JOINT RULES

---

Over 200 pages.....\$4.00

Copies of enacted bills.....cost of  
reproduction.

## JOINT RULES

---

### CHAPTER 9 Voting Procedure

9-1. Except as provided in Joint Rule 9-2, every member present when a question is put shall vote unless the house of which he is a member excuses him.

9-2. A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member.

9-3. Amendments to the constitution may be proposed by any member of the legislature. If adopted by an affirmative roll call vote of two-thirds of all the members of the legislature, the amendment shall be deemed approved by the legislature (Montana Constitution, Art. XIV, Sec. 8).

9-4. When a measure requiring the concurrence of two-thirds of the members is under consideration, a majority vote is sufficient to decide any question relating to the measure short of third reading.

9-5. A roll call vote shall be taken on the request of two members, if the

## JOINT RULES

---

request occurs before the vote is taken.

9-6. On a roll call vote the names of the members shall be called alphabetically, unless an electrical voting system is used. A member may not vote or change his vote after the decision is announced from the chair. A member may not explain his vote until after the decision is announced from the chair.

9-7. (1) On third reading the question shall be stated as follows: "Senate (or House) bill number ..... having been read three several times, the question is, shall the bill pass (or be concurred in)."

(2) If an electrical voting system is used, the bell shall be rung after the question is stated and then the presiding officer shall state "Those in favor vote yes and those opposed vote no." After a reasonable pause the presiding officer asks "Has every member voted?" (reasonable pause) "Does any member wish to change his or her vote?" (reasonable pause) "The clerk (secretary) will now record the vote."

9-8. Two members may pair on a measure that will be determined by a majority



## JOINT RULES

---

vote. On a measure requiring a two-thirds vote for adoption three members may pair, with two members for the measure and one member against. Pairing is permitted only when one of the paired members is excused when the vote is taken.

9-9. An agreement to pair must be in writing and dated and signed by the members agreeing to be bound, and must specify the duration of the pair. When an agreement to pair is filed with the secretary of the Senate or chief clerk of the House of Representatives, it shall bind the members signing until the expiration of time for which it was signed, unless the paired members sooner appear and ask that the agreement be cancelled.

9-10. Every vote of each member of the legislature on each substantive question in the legislature, in any committee, or in Committee of the Whole shall be recorded and made public. On final passage of any bill or joint resolution the vote shall be taken by ayes and noes and the names entered on the journal. Roll call votes shall be taken by ayes and noes and the names entered on the journal on adopting an adverse committee

## JOINT RULES

---

report and on those motions made in Committee of the Whole referred to in Joint Rule 6-26(1)(a) through (d). A roll call vote shall be taken on nonsubstantive questions on the request of two members, who may likewise on any vote, request that the ayes and noes be spread upon the journal. Roll call votes and other votes which are to be made public but are not specifically required to be spread upon the journal shall be entered in the minutes of the appropriate committee or of the appropriate house and a copy of such minutes shall be filed with the Montana state historical society (Montana Constitution, Art. V, Sec. 11(2)).

## JOINT RULES

---

### CHAPTER 10 Consent Calendar

10-1. Noncontroversial bills and simple and joint resolutions qualifying for the consent calendar may be processed by a standing committee according to the following provisions:

(1) To be eligible for the consent calendar, the legislation must receive unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. No appropriation or revenue bills may be recommended for the consent calendar.

(2) The legislation is then sent to printing to be prepared as a third reading version and specifically marked as a "consent calendar" item.

(3) Legislation shall be immediately posted (as soon as it is received from printing) on the consent calendar and must remain there for one legislative day before consideration under Order of Business No. 11, Special Orders of the

## JOINT RULES

---

Day. At that time, the presiding officer will announce consideration of the consent calendar and allow "reasonable time" for questions and answers upon request. No debate will be allowed.

(4) Any three members may submit written objections and the legislation must then be removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation will be voted on following third reading.

(6) Legislation on the consent calendar will be voted on individually with the roll call vote printed in the journal as the final vote on those bills and resolutions.

(7) Legislation passed on the consent calendar will then be transmitted to the second house.

## JOINT RULES

---

### CHAPTER 11 Statement of Legislative Intent

11-1. Definition. For the purpose of compliance with the Legislative History Act (Title 5, chapter 4, part 4, MCA), a statement of legislative intent regarding a bill will express the common understanding of those components of the legislature voting on the bill. This statement differs from a purpose clause which is used in general to describe the broad overall objectives of a bill while a statement of intent is used to guide the details of interpretation by those charged with implementation of the bill and is phrased in terms of contingencies, examples, or other matter inappropriate for expression as statutory language.

11-2. Limitation. A statement of intent may not accompany any bill that does not statutorily require one unless a committee (standing committee, committee of the whole or conference committee) agrees by a two-thirds vote to attach the statement.

11-3. Statement of intent to accompany bill -- when -- how. A statement shall accompany a bill as follows:

## JOINT RULES

---

(1) Statements of intent are required for bills delegating rulemaking or licensing authority. The statement shall be entered on ALTER, printed on paper of the same color and in the same manner as the bill, and shall be attached to the bill. The statement shall be printed on paper of the same color as the bill and attached to the bill on all subsequent printings of the bill.

(2) The standing committee of the house in which the bill originates is responsible for authoring a statement of intent for a bill requiring one.

11-4. Modification. Any committee subsequently considering the bill may amend a previous statement. The statement of intent will be reflected in the history of the bill.

11-5. Conference committee on intent only. When the second house concurs in a bill without amendments but supersedes a previous statement of intent, the bill may not be enrolled until both houses have agreed on a statement of intent. If the statement is attached to a bill that does not statutorily require one, the conference committee can delete the

## JOINT RULES

---

statement in its entirety.

A new statement of intent written by the second house will be processed in the same manner as a second house amendment.

A regular conference committee may be appointed solely to resolve differences of intent if the second house's statement of intent is not so accepted.





SENATE RULES



## SENATE RULES

---

### CHAPTER 1

#### Presiding Officer -- Decorum, Order and Debate

Sl-1. The senate shall choose a president from its membership who shall be the presiding officer. In case of the absence or disqualification of the president, the president pro tempore of the senate shall perform the duties of the president until the vacancy is filled or the disability removed.

Sl-2. The senate shall, at the beginning of each regular session, and at such other times as may be necessary, elect one of its members president pro tempore. The senate shall choose its other officers, and shall be the judge of the elections, returns, and qualifications of its members.

Sl-3. The president and president pro tempore, when acting as presiding officer of the senate, shall vote as any other member of the senate.

Sl-4. The president may name a senator to perform the duties of the chair, when the president pro tempore is not present in the senate chamber. The senator who is so named is vested during

## SENATE RULES

---

such time with all the powers of the president; but he does not lose the right to vote on any question while presiding.

Sl-5. No senator shall speak more than twice on any one motion or question without unanimous consent of the senate, unless he has introduced or proposed the motion or question under debate, in which case he may speak twice and also close the debate. However, a senator who has spoken shall not speak again on the same motion or question to the exclusion of a senator who has not spoken.

Sl-6. On order of business No. 8 -- In addition to other methods a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote by standing. The secretary will then record the vote of those standing. The chair may then rule that unless excused those not standing and present have voted on the prevailing side of the question and that their vote be recorded as such. If there was a unanimous voice vote, all

## SENATE RULES

---

those present will be recorded as having voted for the question.

Sl-7. Only the following persons may be admitted to the floor of the senate during sessions: legislators, legislative officers and employees whose presence is necessary for the conduct of the business of the session, accredited members of the press, radio and television, former legislators. The rules committee shall be allowed to make exceptions for visiting dignitaries.

## SENATE RULES

---

### CHAPTER 4 Order of Business

S4-1. On order of business No. 2 (reports of standing committees), no debate shall be had on any report unless a minority report or a report without recommendation has been submitted. Any member seeking a reconsideration of the senate's action on the adoption of a committee report shall do so on order of business No. 6 by motion to reconsider. Any member may make such motion and need not have voted on the prevailing side. This rule shall apply notwithstanding any joint rule to the contrary.

A bill reported from committee without recommendation shall be ordered printed and placed on second reading.

## SENATE RULES

---

### CHAPTER 5 Motions

S5-1. All proper motions on second reading are debatable. If a motion to reconsider third reading action on a bill or resolution is carried, there shall be no further action on that bill or resolution until the succeeding legislative day.

## SENATE RULES

---

### CHAPTER 7 Committees

S7-1. The senate shall elect a committee on committees consisting of 5 members, except when the senate is evenly divided between parties, when the committee on committees shall consist of 6 members, 3 from each party. The committee on committees, with the approval of the senate, shall appoint standing and select committees of the senate, and senate membership on joint committees except conference committees and special committees. The president shall appoint all conference committees and special committees with the advice of the majority and minority floor leaders. The senate may change the membership of any committee on one day's notice.

The standing committees of the senate are as follows:

1. Agriculture, Livestock and Irrigation
2. Bills and Journal
3. Business and Industry
4. Education and Cultural Resources



## SENATE RULES

---

5. Finance and Claims
6. Highways and Transportation
7. Judiciary
8. Labor and Employment Relations
9. Legislative Administration
10. Local Government
11. Natural Resources
12. Fish and Game
13. Public Health, Welfare and Safety
14. Rules
15. State Administration
16. Taxation

S7-2. The majority floor leader shall be an ex officio member of all committees in order to establish a quorum.

S7-3. When a conference committee report is filed with the secretary, the same shall be read under order of busi-

## SENATE RULES

---

ness No. 3, Select Committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the committee of the whole, it may be considered on third reading the same legislative day.

S7-4. Pairs in standing committees and committee of the whole are prohibited.

## SENATE RULES

---

### CHAPTER 8 Rules and Journal

S8-1. (1) A motion to amend or adopt a rule of the senate shall be referred to the committee on rules without debate. A rule of the senate may only be amended or adopted with the concurrence of a majority of the senate and after one day's notice.

(2) A rule may be suspended temporarily by a two-thirds vote.

S8-2. Mason's Manual of Legislative Procedure governs the proceedings of the senate in all cases not covered by these rules.

## SENATE RULES

---

### CHAPTER 10 Nominations from the Governor

S10-1. The governor shall nominate, and by and with the consent of the senate, appoint all officers whose offices are established by the constitution or which may be created by law, and whose appointment or election is not otherwise provided for. If during a recess of the senate a vacancy occurs in any such office, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office.

S10-2. When nominations are sent by the governor to the senate for confirmation, they shall not be acted on before the next succeeding legislative day, except nominations sent by the governor on the last legislative day of the session, which shall be acted upon that day.

HOUSE RULES



## HOUSE RULES

---

### CHAPTER 1 Presiding Officer -- Decorum, Order and Debate

H1-1. The house of representatives shall elect one of its members speaker. The house shall choose its other officers, and shall be the judge of the elections, returns, and qualifications of its members.

H1-2. The house shall elect one of its members speaker pro tempore who shall perform all of the duties of the speaker in the absence of that officer, and on such other occasions as the speaker may request.

H1-3. No member shall speak for longer than thirty minutes in debate on any one motion or question, however, in committee of the whole, no member may speak over 5 minutes on any motion except the member who made the motion on the immediately pending question and that member shall have 5 minutes to close.

H1-4. No member shall speak more than once on the same question without the unanimous consent of the house, unless he has proposed or introduced the

## HOUSE RULES

---

immediately pending question, in which case he may speak in reply after all members choosing to speak have spoken.

H1-5. If the motions "do pass" and "do not pass" or "indefinitely postpone" both fail on Second Reading, a motion to reconsider is in order in Committee of the Whole.

H1-6. Only the following persons may be admitted to the floor of the house during sessions: legislators, legislative officers and employees whose presence is necessary for the conduct of the business of the session, accredited members of the press, radio, television, former legislators, members' spouses and their children 12 years of age and older, and visiting dignitaries.



## HOUSE RULES

---

### CHAPTER 2

#### Meetings, Quorums, and Attendance

H2-1. Lobbying on the floor of the House of Representatives is prohibited during the session and within two hours prior to the commencement of a session and within one-half hour after recess or adjournment.

## HOUSE RULES

---

### CHAPTER 3 Committees

H3-1. The standing committees of the house are as follows:

1. Agriculture, Livestock and Irrigation
2. Appropriations
3. Business and Industry
4. Education and Cultural Resources
5. Fish and Game
6. Highways and Transportation
7. Judiciary
8. Labor and Employment Relations
9. Legislative Administration/Bills and Journal
10. Local Government
11. Natural Resources
12. Human Services

## HOUSE RULES

---

### 13. Rules

### 14. State Administration

### 15. Taxation

The first named member of a committee is the chairman, and in his absence the next named member, and so on.

H3-2. The committee on rules shall consist of the speaker, the majority leader, and other members of the majority party appointed by the speaker, the minority leader, and other members of the minority party designated by the minority leader and appointed by the speaker. The speaker shall appoint other standing committees, select committees, and house membership on joint committees and conference committees.

H3-3. The speaker, majority leader, and minority leader shall be ex officio members on all committees.

H3-4. All bills having "Do Pass" committee recommendations shall be deemed adopted and shall be placed on second reading unless they are referred to a committee by motion duly made on order of business No. 6.

## HOUSE RULES

---

### CHAPTER 4 Rules

H4-1. (1) A motion to amend or adopt a rule of the house shall be referred to the committee on rules, which shall report no later than the next legislative day. Unless recommended by the committee on rules, no house rule shall be amended or adopted except by a two-thirds vote.

(2) A house rule may be suspended temporarily for a specified purpose by unanimous consent.

H4-2. Mason's Manual of Legislative Procedure governs the proceedings of the house of representatives in all cases not covered by these rules.

INDEX TO RULES



## INDEX TO RULES

### Absence of members

- arrest for, 2-9
- attendance may be compelled, 2-5, 2-7
- penalty for unexcused absence, 2-5, 2-9

### Adjournment, See also Recess

- convening in another place prohibited, 2-4
- day to day, 2-5
- duration, 2-4
- majority not required, 2-5
- motions for, 2-10, 5-2, 5-4, 5-8

### Administrative Code, joint resolutions affecting rules within, 6-1, 6-7

### Agency, department, or interim committee bills, 6-6

### Aides, legislative

- age requirement, 3-11
- identification, 3-11
- lobbying prohibited, 3-12
- registration and designation, 3-11

### Amendments, constitutional, See Constitutional amendments categories

### Amendments to bills

- committee amendments, 6-19, 6-20, 10-1
- committee of the whole amendments, 6-20, 6-23
- conference committee requested when, 6-18, 7-8
- copies, cost, 8-8
- engrossed bill, amendments included, 6-20

## INDEX TO RULES

- governor's recommendation, 6-30, 6-32
- intent, amendment of statement, 11-4
- motions, 5-2, 6-26, 9-10
- prohibited when, 6-18, 6-29
- purpose of bill, change by amendment prohibited, 6-15
- rejection or acceptance only, 6-18
- second house, amendments by, 6-18
- substitute bills as, 6-16, 6-17
- third reading of bill, amendment prohibited, 6-29
- transmittal, 6-34
- votes on, 9-10

Amendments to laws, 6-2, 6-14, 6-21

Amendments to rules, See Rules

### Appeals

- order, question of, 1-4
- presiding officer, decision of, 5-B
- previous question, calling, 5-6

### Appropriation bills

- committee consideration, 7-6
- consent calendar, exclusion, 10-1
- contents, 6-3, 6-4
- deadline exceptions, 6-7
- feed bill, 6-4, 7-1
- fiscal note, 6-36
- general appropriation bill, 6-4
- house of representatives, introduction in, 6-4
- introduction, 6-4, 6-7
- item veto, 6-30
- legislative operation, for, 6-4, 7-1



## INDEX TO RULES

subject, 6-3  
title, 6-2, 6-3  
transmittal, 6-34  
Appropriation for legislative expenses,  
6-4, 7-1  
Appropriations, House Committee on  
appropriation bills, consideration,  
7-6  
enumeration, ~~H3-1~~  
financial reports to, 3-14  
joint committee when, 7-6  
legislative operation bills, introduc-  
tion, 6-4  
Arrest of members, 2-9  
Assistant sergeants-at-arms, 3-9  
Attendance of members  
compelled, 2-5, 2-7, 2-9  
refusal, 2-9  
required, 2-6  
Bill clerks, 3-6  
Bills and Journal Committee  
engrossing of bills, 6-20  
enrolling of bills, 6-21  
enumeration, ~~S7-1~~, ~~H3-1~~  
governor, presentation of bill to,  
6-21  
journal, duties regarding, 8-3  
printing of bills, 6-19  
report by, 7-5  
typists and proofreaders under direc-  
tion of, 3-3  
Budget Director, fiscal note prepara-

## INDEX TO RULES

- tion, 6-36
- Buildings, approval of construction, 6-1
- Business, See also Sessions
  - order of, 4-1, See Orders of business
  - suspended when, 2-10
- Calendar of bills, See also Consent calendar
  - second reading, 6-22, 7-10
  - third reading, 6-20, 7-10
- Call of the house
  - arrest of members when, 2-9
  - business suspended, 2-10
  - motion for, 5-2, 5-8
  - motions not in order, exceptions, 2-10
  - not in order when, 5-7
  - ordered when, 2-7, 2-8
  - removed how, 2-10
- Call to order, 1-1, 1-6
- Chaplain's duties, 1-1, 3-10, 4-1
- Chapter numbers, 6-21
- Chief Clerk of the House
  - aides registered with, 3-11
  - bills
    - amendments, filing, 6-23
    - clerical errors, corrections, 3-7
    - first reading, 6-10
    - introduction by presentation to, 6-6
    - public posting of introduced bills, 6-10
    - second reading, recording, 6-22
    - supervision, 3-5
    - transmittal, receipts for, 6-33

## INDEX TO RULES

committee minutes, duties, 7-4  
conference committee reports filed with, 7-10  
debate, recording of excepted words, 1-6  
duties generally, 3-5  
employees responsible to, 3-6  
journal, supervision, 3-5  
pairing vote, agreement filed with, 9-9  
resolutions  
    supervision, 3-5  
    transmittal, 6-1  
responsible to whom, 3-5  
rules, amendments to--duty, 8-7  
rules committee minutes, duty, 8-7  
Children on the floor of the House of Representatives, H1-6  
Clerical errors on bills, 3-7, 6-20, 6-21, 6-36  
Clerk of the Supreme Court, signed copies of enrolled bills filed with, 6-21  
Code Commissioner bills, 6-2, 6-3, 6-6  
Committee of the Whole, See also Second reading of bills  
    chairman, appointment, 6-27  
    conference committee reports, 7-10  
    debate, length of, 6-26, H1-3  
    formation, 6-26, 6-27  
    governor's recommendations on bills, applicability of rules, 6-32

## INDEX TO RULES

intent, statement of, See Intent  
meetings, public, 2-3, 7-11  
motions  
    formation by, 6-26  
    in order, 6-26, 9-10  
    not debatable, 5-8  
public meetings, 2-3, 7-11  
report, procedure, 6-27  
resolutions report, 6-1  
rules governing, 6-26  
second readings, See Second reading of bills  
subcommittees prohibited, 6-26  
voice vote, S1-6  
vote, 9-10, S1-6  
voting records, public, 9-10  
Committee on Committees  
    committees, appointment, S7-1  
    selection, S7-1  
Committees, generally, See also specific committee  
    adverse committee report, 9-10, H1-5  
    appointment, S7-1, H3-2  
    assignment of bills to, See referral of bills to committee, in this category  
bills by  
    drafting requests, 6-6, 6-7  
    introduction, 6-6, 6-9  
        deadline, 6-7  
block scheduling system, 7-12  
chairmen

## INDEX TO RULES

- authority, 7-7
- duties, 7-7
- secretary of committee, responsibility to, 3-3, 3-6
- selection, H3-1
- change of membership, notice, S7-1
- consideration of bills, See referral of bills to committee, in this category
- "do not pass" recommendation, 9-10, H1-5
- "do pass" recommendation, 6-19, 6-20, 10-1, H1-5, H3-4
- enumerated, S7-1, H3-1
- fiscal note requests, 6-36
- intent, statement of -- vote to attach, 11-2
- joint committees
  - appointment, S7-1, H3-2
  - chairmen, 7-6, 7-7
  - voting procedure, 7-9
- majority leader as ex officio member when, S7-2, H3-3
- meetings
  - announcement of, order of business, 4-1
  - press not to be excluded, 7-11
  - public, to be, 2-3
  - television, photographs, or recording allowed when, 7-11
- membership, S7-1, S7-2, H3-3
- minority leader as ex officio member,

## INDEX TO RULES

H3-3  
minutes  
    disposition, 3-5, 7-4, 9-10  
    required, 7-4  
    roll call vote, recording, 9-10  
pairs prohibited, S7-4  
press not to be excluded from hearings, 7-11  
referral of bills to committee  
    amendments by committee, 6-19, 6-20, 10-1  
    assignment of committee, 6-10, 6-12, 6-13  
    consent calendar bills, 10-1  
    journal entries, 8-2  
    motion for, precedence, 5-2  
    order of business, 4-1  
    report of committee  
        adoption, S4-1, H3-4  
        adverse report, 9-10, H1-5  
        deadline, 7-2  
        debate, S4-1  
        "do not pass", 9-10, H1-5  
        "do pass", 6-19, 6-20, 10-1, H1-5,  
        H3-4  
    extension of time, 7-2  
    form, 7-2  
    journal entry, 7-3, 8-2  
    minority report, 7-3, S4-1  
    order of business, 4-1  
    reconsideration, S4-1  
    sponsor, addition prior to, 6-6

## INDEX TO RULES

- substitute bill, recommendation,  
6-17
  - without recommendation, S4-1
- rereferral, 6-13
- required, 6-11
- substitute bill by, 6-16, 6-17
- transmittal, when late, 6-34
- referral of resolutions to committee,  
6-1
- reports, See also referral of bills to  
committee, in this category
  - journal entry, 8-2
  - order of business, 4-1
- secretaries, 3-3, 3-6
- select committees
  - appointment, S7-1, H3-2
  - conference committee reports, 7-10
  - reports, order of business, 4-1
- seven-day rule, 7-2
- speaker of the house as ex officio  
member, H3-3
- special committees, appointment, S7-1
- sponsors of bills, committees as, 3-7
- standing committees
  - appointment, S7-1, H3-2
  - consent calendar bills, procedures,  
10-1
  - enumeration, S7-1, H3-1
  - house, enumeration, H3-1
  - intent, statement of, See Intent
  - introduction of bill, 3/4 consent,  
6-9

## INDEX TO RULES

- reports, order of business, 4-1, See  
also referral of bills to committee,  
in this category
- senate, enumeration, 57-1
- seven-day rule, 7-2
- subcommittees, 6-26, 7-4
- substitute bills, recommendation,  
6-16, 6-17
- television, photographs, or recording  
allowed when, 7-11
- testimony by employees, 3-12
- voting record, public, 9-10
- Communications or papers
  - address, 1-9
  - order of business, 4-1
  - reading and distribution, 1-9
- Compensation
  - certification of payroll, 3-14
  - employees, 3-1, 6-1, 7-1
  - legislative administration, committee  
on -- duties, 7-1
  - legislative council, duties, 3-14
  - legislators
    - committee on legislative administration  
to consider, 7-1
    - unexcused absence, effect, 2-9
  - officers, 3-1
  - preparation of payroll, 3-14
  - presiding officers to certify and  
sign, 3-14
  - resolution to set, 6-1
  - signing of payroll, 3-14



## INDEX TO RULES

### Conduct of members

- committee of the whole, discipline prohibited, 6-26
- conflict of interest, 9-2
- question of privilege, 1-7

### Conference Committees

- appointment, 7-8, 11-5, S7-1, H3-2
- free conference committees
  - appointment, 7-8
  - request for, 6-32
  - scope of discussion, 7-8
- intent, statement of, See Intent
- meetings, time and place, 7-8
- minutes, disposition, 3-5
- reports, 7-5, 7-8, 7-10
  - order of business, 7-10, S7-3
- request for, 6-18, 6-32, 7-8, 11-5
- voting procedure, 7-9

### Conflict of interest, disclosure, 9-2

### Consent calendar

- order of business, 4-1
- procedure, 10-1
- second reading, posting exception, 6-22
- three readings, exception, 6-29

### Constitutional amendments, Montana

- adoption 9-3
- governor's
  - signature not required, 6-30
  - veto, not subject to, 6-3
- journal entries, 8-2
- proposal, 6-3, 9-3

## INDEX TO RULES

vote on, 6-28, 9-3  
Constitutional amendments, U.S.  
governor's signature not required,  
6-30  
journal entries, 8-2  
resolution to propose or ratify, 6-1  
Contracts for purchase or lease of  
equipment, 3-15  
Convening hour, 2-1  
Copies of bills and proceedings, fees,  
8-8  
Corrections on bills, procedure, 3-7,  
6-21  
Cover of bills, 6-2, 6-6, 6-21  
Deadlines  
adjournment, duration, 2-4  
amendments, transmittal, 6-34  
appropriation bills, transmittal, 6-34  
bills  
amendments, transmittal, 6-34  
conference committee report, action  
following, §7-3  
consent calendar bills, posting,  
10-1  
drafting requests, 6-7  
engrossing and enrolling, 3-7  
enrolled bills, signing and trans-  
mittal to governor, 6-21  
fiscal notes, preparation, 6-36  
five bill limit, 6-6  
governor's action, 6-30  
introduction, 6-7

## INDEX TO RULES

- printing, 6-19
- reconsideration on third reading,  
action, S5-1
- reporting out of committee referred  
bills, 7-2
- second reading, 6-22
- transmittal, 6-34
- budget director, fiscal note prepara-  
tion, 6-36
- committee bills, introduction, 6-7
- committee membership, notice of  
change, S7-1
- committee of the whole
- consideration, 6-22
- debate, H1-3
- debate
  - committee of the whole, H1-3
  - question called and no debate, 5-6
- drafting requests to legislative coun-  
cil, 6-7
- engrossing and enrolling of bills, 3-7
- enrolled bills, signing and transmit-  
tal, 6-21
- fiscal note preparation, 6-36
- five bill limit, 6-6
- governor
  - bills, signing or veto, 6-30
  - nominations, senate confirmation,  
S10-2
  - transmittal to, 6-21
- introduction of bills, 6-7
- lobbying prohibited when, 2-2, H2-1

## INDEX TO RULES

one-day rule, motion to reconsider,  
5-4, S5-1  
printing of bills, 6-19  
recess, 2-4  
reconsideration on third reading, ac-  
tion, S5-1  
reconsider, motion to, 5-4  
reporting out of committee, referred  
bills, 7-2  
resolutions, 6-7  
revenue bills, introduction and trans-  
mittal, 6-7, 6-34  
rules, report on adoption or amend-  
ment, H4-1  
seven-day rule, 7-2  
transmittal  
    amendments, 6-34  
    bills, 6-34  
    governor, to, 6-21  
**Debate, See also Speaking limitations on**  
**members**  
    call to order, 1-6  
    closed when, 5-6  
        motion for, 5-8  
    communications, reading prohibited,  
        1-9  
    consent calendar, exclusions, 10-1  
    house rules, H1-3, H1-4  
    limit of, 5-8, S1-5, H1-4  
    mason's manual, use, 8-6, S8-2, H4-2  
    motions, debate of, 5-8, S5-1, H1-3  
    motions during, 5-2

## INDEX TO RULES

- question, calling closes debate, 5-6
- reports of standing committees when, S4-1
- rule amendments, no debate, S8-1
- senate rules, S1-5, S4-1
- speaking more than once, H1-4
- speaking more than twice, S1-5
- time limitations when, 5-6, 5-8, H1-3
- undebatable motions, 5-8
- Department bills, 6-6
- Desire, opinion, or sympathy of legislature--resolution, 6-1, 6-6
- "Did sign", 6-21
- Disasters and emergencies, resolutions, 6-1
- Distribution of
  - bills, 6-2, 6-20, 6-22, 6-36
  - fiscal note, 6-36
  - journal, 8-3, 8-4
  - lobbying, papers, 1-9
  - rules, 8-7
- Disturbance of proceedings, 1-2, 1-3, 3-8, 6-26, 7-7, 7-11
- Division of question when, 5-8, 5-9
- Documents, fee schedule, 8-8
- "Do Not Pass", committee recommendation, 9-10, H1-5
- "Do Pass", committee recommendation, 6-19, 6-20, 10-1, H1-5, H3-4
- Doorkeepers
  - enforcement duty, 3-11
  - responsible to whom, 3-9

## INDEX TO RULES

### Drafting of bills

- fiscal note recommendations, 6-36
- requests to legislative council, 6-6, 6-7
- sponsor required, 6-2

### Effective date

- joint resolutions, 6-5
- statutes, 6-5

### Election of members, S1-2, H1-1

### Emergencies, resolutions, 6-1

### Employees

- compensation, 3-1, 6-1, 7-1, See also Compensation
- complaints regarding, 3-13, 7-1
- dismissal, suspension, or retention, 3-12, 3-13
- duties, 3-1
- floor, admission to, S1-7, H1-6
- legislative council, responsibility, 3-2, 7-1
- lobbying prohibited, 3-12
- personnel files, maintenance, 3-2
- responsible to whom, 3-6, 3-9, 7-1

### Enacting clause, 6-3

### Endorsement of bills, 6-6

### Emergency emergencies, resolutions, 6-1

### Engrossing and enrolling

- clerical instructions, 7-10
- clerks
  - duties, 3-7
  - employment, 3-3
  - responsible to whom, 3-3

## INDEX TO RULES

conference committee report, 7-10  
deadline, 3-7  
form, 6-20, 6-21  
intent, effect of statement, 11-5  
procedure, 6-20, 6-21  
signing by presiding officer and journal entry, 6-21  
Entry of bills on automated drafting equipment, 6-6, 11-3  
Equipment, contracts for purchase or lease, 3-15  
Errors, 3-7, 6-20, 6-21, 6-36  
Examination of bills, 6-21  
Excuse of member, 2-6, 2-9, 9-1, 9-8, 9-9  
Expenses of members, See Compensation  
Fee schedule for proceedings, 8-8  
Final rejection of bills, effect, 5-2, 6-8  
Finance and Claims, Senate Committee on  
appropriation bills, consideration by, 7-6  
enumeration, S7-1  
financial report sent to, 3-14  
joint committee when, 7-6  
First reading of bills, 6-10, 6-29  
order of business, 4-1  
Fiscal notes, 6-36  
Five bill limit, 6-6  
Floor, admission to, 2-2, S1-7, H1-6, H2-1  
Former legislators, admission to floor

## INDEX TO RULES

of the House of Representatives, H1-6  
Form of bills, 6-2, 6-3, 6-6, 6-19,  
6-20, 6-21, 10-1, 11-3

Galleries or lobbies cleared when, 1-2  
Governor

amendments to bills, recommendation,  
6-30, 6-32

enrolled bills, presentation and  
receipt, 6-21

messages from

journal entry, 8-2

order of business, 1-9, 4-1

nominations and appointments by,

senate confirmation, S10-1, S10-2

presentation of bills to, 6-21

reconsideration of bills, 6-30, 6-32

resolutions, approval not required,  
6-1

signing of bills, 6-30

veto of bills, 6-3, 6-8, 6-30, 6-31

### Hearings

press not to be excluded, 7-11

public, to be, 2-3

television, photographs, or recording  
allowed when, 7-11

### Historical Society

amendments to bills filed with, 6-23

minutes, copies filed with, 3-5, 7-4,  
9-10

History of bills, 6-21, 11-4

Hour of convening, 2-1

Information available to public, See



## INDEX TO RULES

### Public availability

### Intent, statements of

- concurrence, 11-5
- conference committee on, 11-5
- defined, 11-1
- deletion, 11-5
- limitations, 11-2
- modification, 11-4, 11-5
- procedure, 11-3, 11-4
- required when, 11-3

### Interim committees, request for studies, 6-1, 6-6, 6-7

### Interns, legislative, 3-11, 3-12

### Introduction of bills

- agency bills, 6-6
- appropriation bills, 6-4, 6-7
- committee bills, 6-6, 6-9
  - deadline, 6-7
- deadline, 6-7
- department bills, 6-6
- distribution, 6-2
- fiscal notes, 6-36
- form, 6-2, 6-3, 6-6
- journal entry, 8-2
- numbering, 6-6
- prefiling, 6-6
- prohibited when, 6-8
- referral to committee, See Committees,  
generally
- revenue bills, deadline, 6-7
- review by legislative council, 6-6
- signature on bills, 6-6

## INDEX TO RULES

stamp of legislative council review  
required, 6-6

Item veto, 6-30

Janitors, 3-9

Joint resolutions, See Resolutions

Joint sponsors, 6-6

Journal

- authentication, 8-4
- bills and journal committee responsibilities, 8-3
- committee reports, entry, 7-3, 8-2
- consent calendar bills, vote on, 10-1
- constitutional amendments, entry, 8-2
- contents, 8-1, 8-2
- daily maintenance, 8-3
- distribution, 8-3, 8-4
- enrolled bills, entry, 6-21
- governor, bill presentation to, 6-21
- introduction of bills, entry, 8-2
- legislative council responsibilities, 8-3, 8-4
- messages, entry, 8-2
- motions, entry, 8-2
- oaths, entry, 8-2
- publication, 8-1
- report for previous day, 1-1, 4-1, 8-3
- required, 8-1
- roll call votes, entry, 8-1, 8-2, 9-10
- secretary of state, delivery to, 3-5
- signing of bill, entry, 6-21
- supervision, 3-5
- title of bill entered in index, 8-2

## INDEX TO RULES

votes, entry, 6-28, 8-1, 8-2, 9-10,  
10-1

Journal clerks, 3-6

Labor disputes, resolutions, 6-1

Law library

committee minutes filed with, 7-4

histories filed with, 6-21

Laws

amendment or revision, 6-2, 6-14, 6-21

effective date, 6-5

enactment, 6-15, 6-21, 6-28, 6-30

purpose, change prohibited, 6-15

repeal, 6-2

Lay on the table, motion to, 5-2, 5-5,  
5-8

Leadership, See Majority leaders; Minority leaders; President of the Senate; President Pro Tempore of the Senate; Presiding officer; Speaker of the House; Speaker Pro Tempore of the House

Legislative Administration, Committee on  
duties, 7-1

employees, review and dismissal, 3-13

enumeration, S7-1, H3-1

equipment purchases and leases,  
approval of contract, 3-15

secretaries, appointment, 3-3

Legislative aides, See Aides, legislative

Legislative Council

administrative duties, 7-1

committee minutes, copy to, 7-4

## INDEX TO RULES

drafting requests, deadline, 6-7  
engrossing and enrolling clerks, hiring, 3-3  
enrolled bills, signed copies filed with, 6-21  
financial report by, 3-14  
fiscal note recommendations, 6-36  
introduced bills, review, 6-6  
journal, daily  
    completed copies, distribution, 8-4  
    maintenance and distribution, 8-3, 8-4  
payroll duties, 3-14  
personnel files, responsibility, 3-2  
prefiled bills, duties, 6-6  
proofreaders, hiring, 3-3  
purchase orders, issuance, 3-15  
review of bills, 6-6  
rules and joint rules--codification, publication, and distribution, 8-7  
service to the legislature, 3-14  
typists, hiring, 3-3  
"Legislative day" defined, 2-11  
Legislative intent, See Intent  
Line item veto, 6-30  
Lobbies cleared when, 1-2  
Lobbying  
    aides, by, 3-12  
    employees, by, 3-12  
    interns, by, 3-12  
    papers, distribution, 1-9  
    time limitations, 2-2, H2-1

## INDEX TO RULES

### Majority leaders

committee appointments, advice on,  
S1-1  
committees, ex officio member when,  
S1-2, H3-3  
election, S1-2, H1-1  
rules committee, member of, H3-2  
secretaries, 3-4, 3-6

Majority, when required, See Voting

Mason's Manual, use, 8-6, S8-2, H4-2

MCA, See Laws

Meetings, See Sessions

Messages from governor, See Governor

Messages from other house, 1-9, 4-1, 8-2

### Minority leaders

committee appointments, advice on,  
S1-1  
committees, ex officio member when,  
H3-2  
election, S1-2, H1-1  
rules committee, member of, H3-2  
secretaries, 3-4, 3-6

Minutes, filing, 3-5, 7-4, 8-7, 9-10

### Motions

adjourn, to, 2-10, 5-2, 5-4, 5-8  
amendment of bills, 5-2, 6-26, 9-10  
amendment or substitution of motions,  
5-3, 5-6, 5-8, 5-10  
bills, motions of, 6-6, 6-10  
call of the house, 5-2, 5-8  
commit a bill, to, 5-2  
committee of the whole, See Committee

## INDEX TO RULES

of the whole  
consent calendar, placement on, 10-1  
debate--limit, extend limit, or close,  
5-8, H1-3  
debate, motions during, 5-2  
debate of motions, 5-8, S5-1, H1-3,  
See Debate  
divide the question, when, 5-8, 5-9  
first reading, motion in order when,  
6-10  
journal entries, 8-2  
lay on the table, to, 5-2, 5-5, 5-8  
mason's manual, use, 8-6, S8-2, H4-2  
not debatable, 5-8  
one-day rule, 5-4  
order of business, 4-1  
parliamentary inquiry, 5-8  
passage or nonpassage of bill, 6-26,  
9-10  
pass consideration, 6-26  
point of order, 5-8  
postponement, See Postponement, motion  
for  
precedence, 5-2  
presiding officer  
decision not debatable, 5-8  
restatement by, 5-1  
previous question, See Previous ques-  
tion  
privilege, precedence, 5-2  
procedural motions, undebatable, 5-8  
question, calling, See Previous ques-

## INDEX TO RULES

tion  
question, debate of--motions allowa-  
ble, 5-2  
recall, to  
    precedence, 5-4  
    procedure, 5-4  
recess, for, 4-1, 5-2, 5-4, 5-8  
recommend                      concurrence                      or  
    nonconcurrence, 6-26, 9-10  
reconsider, to  
    bills or resolutions, 5-2  
    committee of the whole, in order  
    when, H1-5  
    committee report adoption, S4-1  
    laid on table or fails, 5-5  
    one-day rule, 5-4  
    precedence, 5-4  
    procedure, 5-4  
    third reading action, S5-1  
refer or commit, to, 5-2, H3-4  
remove the call of the house, to, 2-10  
restatement, 5-1  
rise, rise and report, rise and report  
    and ask leave to sit again, 6-26  
rules  
    amendment or adoption, S8-1, H4-1  
    suspension, 5-8  
second reading, 6-26, S2-1, H1-5  
segregate a bill, 6-24  
speaking limitations, S1-5, H1-3  
sponsors of bills, to add, 6-6, 6-10  
subject different from that under con-

## INDEX TO RULES

- sideration, motion not admitted, 5-3
- subsidiary, 5-2, 5-6
- substitute, limitations, 5-3, 5-10
- tabling, 5-2, 5-5, 5-8
- take from the table
  - not debatable, 5-8
  - reconsider, motion to, 5-5
- undebatable motions, 5-8
- veto, to override, 6-31
- withdrawal, 5-1, 5-4
- written, request for, 5-1
- New matter in bills substituted when,  
6-16, 6-17
- Numbering of bills, 6-6, 6-21
  - journal entry, 8-2
  - pages, 6-2
- Oaths, journal entry, 8-2
- Officers
  - compensation, 3-1
  - duties, 3-1
  - floor, admission to, H1-6
  - house, H1-1, H1-6
  - senate, S1-2
- One-day rule, 5-4
- One subject expressed in bill, 6-3
- Open meetings, sessions, and hearings  
required, 2-3, 7-11
- Order in proceedings, 1-2, 1-3, 3-8,  
6-26, 7-7, 7-11
- Order questions of, 1-4
- Orders of business
  - committee reports, reconsideration



## INDEX TO RULES

after adoption, S4-1  
conference committee appointment and  
report, 7-8, 7-10, S7-3  
consent calendar bills, 10-1  
enumerated, 4-1  
journal report, 8-3  
pass or revert to new order of busi-  
ness, 4-1  
recall of bills, 5-4  
reconsideration of bills, 5-4  
twelve orders of business, enumer-  
ation, 4-1  
Pages, 3-9  
Pairing of votes, See Voting  
Papers or communications, See Communica-  
tions or papers  
Parliamentary procedure, See Debate;  
Motions  
Payrolls, See Compensation  
Per diem, See Compensation  
Photographs of proceedings allowed when,  
7-11  
Place of convening, 2-4  
Postponement, motion for  
bills or resolutions, effect, 5-2  
indefinitely, 5-2, 6-26, 9-10, H1-5  
to a certain day, 5-2  
Prayer by chaplain, 1-1, 3-10, 4-1  
Prefiling bills, 6-6  
President of the Senate, See also Pre-  
siding officer  
absence or disqualification, S1-1

## INDEX TO RULES

committees, appointment, S1-1  
conference committees, appointment,  
S1-1  
disqualification, S1-1  
election, S1-1  
journals, authentication, 8-4  
presiding officer of the senate, 1-1,  
S1-1  
selection, S1-1  
senator to perform duties of chair  
when, S1-4  
special committees, appointment, S1-1  
vacancy, S1-1  
vote, S1-3, S1-4  
President Pro Tempore of the Senate  
absence, S1-4  
duties as president performed when,  
S1-1  
election, S1-2  
vote, S1-3  
Presiding officer, 1-1, S1-1, H1-1, See  
also President of the Senate; Speaker  
of the House  
aides, approval when, 3-11  
call to order, 1-6  
chief clerk of the house responsible  
to, 3-5  
clerical corrections to bills, 6-21  
committee of the whole, appointment of  
chairman and report, 6-27  
communications and papers to legis-  
lature, 1-9

## INDEX TO RULES

consent      calendar      consideration,  
    announcement, 10-1  
control of chambers, 1-3  
decision not debatable, 5-8  
"did sign", 6-21  
employees responsible to, 3-6, 3-9  
enrolled bills, duties, 3-7, 6-21  
equipment, contracts for purchase or  
    lease--review by, 3-15  
fiscal notes, duties, 6-36  
galleries or lobbies, clearance, 1-2  
journals, authentication, 8-4  
motions, restatement, 5-1  
order and decorum preserved by, 1-2,  
    1-3, 3-8, 7-7, 7-11  
payrolls, certification and signature,  
    3-14  
press, authority over, 1-3, 7-11  
previous question, determination of  
    quorum, 5-7  
questions of order, decision, 1-4  
recognition of members, 1-5  
referral of bills to committee, 6-12,  
    6-34  
reporters, authority over, 1-3, 7-11  
secretary of the senate responsible  
    to, 3-5  
secretary, private, 3-4, 3-6  
senator to perform duties of chair  
    when, §1-4  
sergeant-at-arms responsible to, 3-8,  
    3-9

## INDEX TO RULES

- subpoenas, signing, 1-8
- television, photographs, or recordings
  - subject to discretion of, 7-11
- veto message read by, 6-31
- vote

- procedures, 1-10, 9-7

- senator as presiding officer, S1-4

Press representatives, See Reporters

Previous question

- call of the house not in order, 5-7
- debatable question on which there has
  - been no debate, 5-6
- debate, closes, 5-6
- effect, 5-6
- motion for, 5-2, 5-8
- moving, effect, 5-6
- ordered when, 5-6

Printing of bills, 6-6, 6-17, 6-19

- consent calendar bills, 10-1

- deadline, 6-19

- first sheet only, when, 6-19, 6-20

- fiscal notes, 6-36

- intent, statement of, 11-3

- report without recommendation, S4-1

Private interest in pending measures,  
disclosure, 9-2

Privilege questions of, 1-7, 5-2

Proceedings, fee schedule, 8-8

Proofreaders, 3-3

Public availability

- introduced bills, 6-10

- prefiled bills, 6-6

## INDEX TO RULES

press not to be excluded, 7-11, H1-6  
sessions of legislature, committee  
meetings, and hearings open to  
public, 2-3, 7-11, H1-6  
voting records, 9-10

Purchase orders, 3-15

Purpose clause, use, 11-1

Purpose of bill, change prohibited, 6-15

Qualifications of members, S1-2, H1-1

Questions

debate of, See Debate

divide a question, motion not debat-  
able, 5-8

order, decision and appeal, 1-4

postponed indefinitely, 5-2

previous, See Previous question

privilege, question of

enumerated, 1-7

motion for, 5-2

precedence, 1-7

speaking limitations, S1-5, H1-3, H1-4

Quorum

absence, 2-7, 5-7

call of the house, ordered when, 2-7,  
2-8

majority requirement, 2-5

required, 1-1

Readings required for bills, 6-23, 6-29

resolutions, not required, 6-1

Recall of bills, 5-4

Recess, See also Adjournment

convening in another place prohibited,

## INDEX TO RULES

- 2-4
  - duration, 2-4
  - motion for, allowed when, 4-1, 5-2, 5-4, 5-3
- Recodification bills, 6-2, 6-3, 6-6
- Recognition of member to speak, 1-5
- Reconsideration of bills, 5-2, 5-4, 5-5, 6-30, 6-32, ~~S4-1~~, ~~S5-1~~
  - governor, by, 6-32
- Recording of proceedings allowed when, 7-11
- Reference bills, 6-20, 7-10
- Referendum measures, 6-30
- Refer or commit. motion for, 5-2, ~~H3-4~~,
  - See also Committees, generally, referral of bills to committee
- Referral of bills to committees, See Committees, generally
- Repeal of laws, 6-2
- Report and recommendation of bills from committee, See Committees, generally, referral of bills to committee
- Reporters
  - floor, admission to, ~~S1-7~~, ~~H1-6~~
  - hearings and meetings, not to be excluded from, 7-11
  - placement, 1-3
  - television, photographs, or recording allowed when, 7-11
- Re-referral of bill, 6-13
- Resolutions
  - approval by rules committee, 6-6

## INDEX TO RULES

consent calendar, See Consent calendar  
copies, cost, 8-8

drafting request, 6-7

governor's signature not required,  
6-30

headings, 6-1

introduction, 6-6, 6-7

joint

administrative code, resolutions

affecting, 6-1, 6-7

definition, 6-1

effective date, 6-5

interim studies, requests, 6-7

review by legislative council, 6-6

sponsorship, joint, 6-6

subject, 3-1, 6-1

voting on, 9-10

numbering, 6-6

postponement, effect, 5-2

reconsideration, ~~§2-1~~

request deadline, 6-7

secretary of state, delivery to, 3-5

simple, definition and use, 6-1

subject, 3-1, 6-1

transmittal, 6-1

### Revenue bills

consent calendar, exclusion, 10-1

defined, 6-34

fiscal note, 6-36

introduction, 6-7

transmittal, 6-34

### Review of bills prior to introduction,

## INDEX TO RULES

6-6

Roll call, 1-1, 4-1

Roll call vote, See Voting

### Rules

adoption, 6-1, S8-1, H4-1

amendment, 6-1, 8-5, 8-7, S8-1, H4-1

committee of the whole, 6-26

mason's manual, use, 8-6, S8-2, H4-2

publication and distribution, 8-7

repeal, 8-5

simple, changes transmitted to other house, 8-5

suspension, 5-8, 8-5, S8-1, H4-1

transmittal to other house when, 8-5

### Rules, Committee on

adoption of rules, S8-1, H4-1

aides, additional--approval, 3-11

amendments to rules, 8-5, S8-1, H4-1

bills--introduction or reception, approval when, 6-8

composition, H3-2

enumeration, S7-1, H3-1

floor, admission to--exceptions made by, S1-1

minutes, copies to legislative council, 8-7

report when, 7-5

copies to legislative council, 8-7

transmittal to other house when, 8-5

resolutions, approval when, 6-6

Salaries, See Compensation

Second reading of bills, See also Com-



## INDEX TO RULES

### mittee of the Whole

amendments by committee of the whole,  
6-20, 6-23

calendar, 6-22, H3-4

committee reports, See Committees,  
generally, referral of bills to com-  
mittee

conference committee reports, 7-10,  
S7-3

consent calendar bills, added to, 10-1  
deadline, 6-22

debate of bill, 6-26

favorable report, 6-20

fiscal note requests, 6-36

formation of committee of the whole,  
6-26

form of bill, 6-19

intent, statement of, See Intent

#### motions

allowable, 6-26

debate of, S5-1

reconsider, motion in order when,  
H1-5

one-day rule, 6-22

order of business, 4-1

printing deadline, 6-19

procedure, 6-23

reading by title summary, 6-23, 6-29

reconsider, motion in order when, H1-5

rejection by committee of the whole,  
6-25, H1-5

required, 6-29

## INDEX TO RULES

segregation of bill, remains on second  
reading, 6-24  
time for, 6-22, 6-29  
voice vote when, SI-6  
vote, 9-10, SI-6

### Secretaries

committee, 3-3, 3-6  
majority leaders, to, 3-4, 3-6  
minority leaders, to, 3-4, 3-6  
presiding officers, to, 3-4, 3-6

### Secretary of State

bills, transmittal to, 3-5  
chapter numbers, assignment, 6-21  
enrolled bills, original filed with,  
6-21  
journal, delivery to, 3-5  
resolutions, transmittal to, 3-5, 6-1

### Secretary of the Senate

aides registered with, 3-11  
bills  
amendments, filing, 6-23  
clerical errors, corrections, 3-7  
first reading, 6-10  
introduction by presentation to, 6-6  
public posting of introduced bills,  
6-10  
second reading, recording, 6-22  
supervision, 3-5  
transmittal receipt for, 6-33  
committee minutes, duties, 7-4  
conference committee reports filed  
with, 7-10, SI-3

## INDEX TO RULES

debate, recording of excepted words,  
1-6  
duties generally, 3-5  
employees responsible to, 3-6  
journal, supervision, 3-5  
pairing votes, agreement filed with,  
9-9  
resolutions  
    supervision, 3-5  
    transmittal, 6-1  
responsible to whom, 3-5  
rules, amendments to--duty, 8-7  
rules committee minutes, duty, 8-7  
Segregation of bills, 6-24  
Select committees, See Committees,  
    generally  
Sergeants-at-arms  
    aides, enforcement of identification,  
        3-11  
    arrest of member when, 2-9  
    assistants, 3-9  
    duties generally, 3-8  
    employees responsible to, 3-9  
    responsible to whom, 3-8  
Service of process, 3-8  
Sessions  
    call to order, 1-1  
    convening hour, 2-1  
    "legislative day" defined, 2-11  
    mason's manual, use, 8-6, S8-2, H4-2  
    orders of business, See Orders of  
        business

## INDEX TO RULES

- place of convening, 2-4
- press not to be excluded, 7-11
- public, 2-3, 7-11
- suspension during call of the house, 2-10
- television, photographs, and recording allowed when, 7-11
- Seven-day rule, committee must report out referred bills, 7-2
- Signing of bills
  - "did sign", 6-21
  - governor's action, 6-30
  - legislative council review, to indicate, 6-6
  - sponsors, 6-6
- Simple resolutions, See Resolutions
- Speaker of the House, See also Presiding officer
  - absence, H1-2
  - committees
    - appointment, H3-2
    - ex officio member when, H3-3
  - election, H1-1
  - journals, authentication, 8-4
  - presiding officer of house, 1-1, H1-1
  - rules committee, appointments to and member of, H3-2
- Speaker Pro Tempore of the House, election, H1-2
- Speaking limitations on members, See also Debate
  - appeals, 1-4

## INDEX TO RULES

committee of the whole, 6-26  
house, H1-3, H1-4  
recognition, 1-5  
senate, S1-5  
Special orders of the day, 4-1, 10-1  
Sponsors, bill  
    additional, on prefiled bills, 6-6  
    agencies, 6-6  
    committees, 3-7, 6-6  
    corrections on bills, permission, 3-7  
    departments, 6-6  
    drafting requests, required for, 6-2  
    examination of enrolled bill, 6-21  
    fiscal note requests, 6-36  
    joint, 6-6  
    prefiled bills, 6-6  
Stamp of approval and review, 6-6  
Standing committees, See Committees,  
    generally  
State archives, See Historical Society  
Statement of intent, See Intent  
Statutes, See Laws  
Subcommittees of, See Committees, gener-  
    ally  
Subject matter of bills limited, 6-3,  
    6-16  
Subpoenas, 1-8  
Substitute bills, 6-16, 6-17  
Supplies, 3-8, 3-15  
Tabling of motions, 5-2, 5-5, 5-8  
Take from the table, 5-5, 5-8  
Tax bills, See Revenue bills

## INDEX TO RULES

Television coverage allowed when, 7-11  
Third reading of bills, 6-20, 6-29,  
6-35, 7-10, §7-3

amendments prohibited, 6-29  
consent calendar bills, 10-1  
intent, statement of, See Intent  
order of business, 4-1  
question, statement of, 9-7  
reconsider, motion to, §5-1  
voting requirements, 6-28, 9-4, 9-7,  
9-10

### Title of bills

amendment of statute by title only  
prohibited, 6-14  
cover of bill, written on, 6-21  
journal index, entry, 8-2  
MCA sections affected, stated in, 6-2  
reading by, 6-23, 6-29  
subject matter expressed in, 6-3  
substitute bills, relevancy to, 6-16,  
6-17

### Transmittal of bills

after 45th day, 6-34  
consent calendar bills, 10-1  
deadline, 6-34  
enrolled bills, 6-21  
governor's recommendation for amend-  
ment, 6-32  
late, 6-34  
procedure generally, 6-33  
prohibited when, 6-8  
required when, 6-34, 6-35

## INDEX TO RULES

second house, by, 6-35  
Transmittal of resolutions, 6-1  
Transmittal of rules or rule amendments,  
8-5  
Twelve orders of business, 4-1, See  
Orders of business  
2/3 vote, See Voting  
Typists, 3-3, 3-6  
Unanimous vote, See Voting  
Unfinished business, 4-1  
United States constitutional amendments,  
6-1, 6-30, 8-2  
Veto by governor, 6-3, 6-8, 6-30, 6-31  
Visitors, 1-2, SI-7, H1-6  
Voting  
bills, requirements, 6-28, 6-34  
change of vote, 9-6, 9-7  
committee, 7-9, SI-4  
communication to legislature, on  
reading when objection, 1-9  
conference committees, 7-9  
conflict of interest, disclosure, 9-2  
consent calendar bills, 10-1  
constitutional amendments, Montana,  
6-28, 8-2, 9-3  
electrical voting system, procedure,  
9-6, 9-7  
excuse, 9-1, 9-8, 9-9  
explanation prohibited when, 9-6  
joint committees, 7-9  
journal entry, 6-28, 8-1, 8-2, 9-10,  
10-1

## INDEX TO RULES

### majority

- appeal on question of order, member speaking more than once, 1-4
- arrest of member, 2-9
- call of the house, 2-7
- committee bill introduction, 3/4 vote of committee, 6-9
- conference committee votes, 7-9
- constitutional amendments, Montana, 6-28
- "do pass" recommendation, adoption, 6-19
- fiscal note requests, 6-36
- new order of business, 4-1
- pairing of votes, 9-8
- required when, 4-1, 6-28, 9-4
- roll call vote, 5-2
- senate rule, adoption or amendment, S8-1
- pairing of votes, 9-8
  - procedure, 9-9
  - prohibited when, S7-4
- presiding officer, 1-10, 9-7, S1-3, S1-4
  - procedure, 9-6, 9-7, 9-9
  - public record, 9-10
  - reconsider, motion to, 5-4
  - recording and procedure, 9-7, 9-10, S1-6
- required of member, 9-1
- roll call
  - adverse committee report, 9-10



## INDEX TO RULES

committee of the whole motions, 9-10  
consent calendar bills, 10-1  
constitutional amendment, 9-3  
indefinite postponement, 5-2  
journal entry, 8-1, 8-2, 9-10  
procedure, 9-6  
question, postponement, 5-2  
recording, 9-10  
resolutions do not require, 6-1  
second reading, 9-10  
third reading, 6-28, 9-10  
two members, request by, 9-5, 9-10  
veto, to override, 6-31  
standing vote, S1-6  
third reading, procedure, 6-28, 9-7  
2/3 vote  
appropriations and revenue bills,  
transmittal after deadline, 6-34  
call of the house, removal, 2-10  
constitutional amendments, Montana,  
6-28, 8-2, 9-3  
house rules, amendment or adoption,  
H4-1  
intent, to attach statement, 11-2  
joint rules, suspension, 8-5  
motion to reconsider, 5-5  
pairing of votes, 9-8  
senate rules, suspended temporarily,  
S8-1  
subsidiary measures, 9-4  
transmittal after deadline, 6-34  
veto by governor, motion to over-

## INDEX TO RULES

- ride, 6-30, 6-31
- unanimous vote
  - consent calendar placement, 10-1
  - house
    - rules, suspension, H4-1
    - speaking more than once, H1-4
  - reconsider, withdrawal of motion to, 5-4
- senate
  - speaking more than twice, S1-5
  - voice vote, procedure when not unanimous, S1-6
- voice vote when, S1-6
- Watchmen, 3-9

THE  
CONSTITUTION  
OF THE  
STATE OF MONTANA

(Including 1980 Amendments)



## TABLE OF CONTENTS

	Page
PREAMBLE	C-9
<u>Art. I Compact with the</u> <u>United States</u>	C-9
<u>Art. II Declaration of Rights</u> Sec.	
1 Popular sovereignty	C-10
2 Self-government	C-10
3 Inalienable rights	C-10
4 Individual dignity	C-10
5 Freedom of religion	C-11
6 Freedom of assembly	C-11
7 Freedom of speech, expres- sion, and press	C-11
8 Right of participation	C-12
9 Right to know	C-12
10 Right of privacy	C-12
11 Searches and seizures	C-12
12 Right to bear arms	C-13
13 Right of suffrage	C-13
14 Adult rights	C-13
15 Rights of persons not adults	C-13
16 The administration of justice	C-14
17 Due process of law	C-14
18 State subject to suit	C-14
19 Habeas corpus	C-15
20 Initiation of proceedings	C-15
21 Bail	C-15
22 Excessive sanctions	C-15
23 Detention	C-16
24 Rights of the accused	C-16
25 Self-incrimination and double jeopardy	C-17
26 Trial by jury	C-17
27 Imprisonment for debt	C-17
28 Rights of the convicted	C-18

## TABLE OF CONTENTS

---

29	Eminent domain	C-18
30	Treason and descent of estates	C-18
31	Ex post facto, obligation of contracts, and irrevocable privileges	C-19
32	Civilian control of the military	C-19
33	Importation of armed persons	C-19
34	Unenumerated rights	C-20
35	Servicemen, servicewomen, and veterans	C-20
<u>Art. III General Government</u>		
Sec.		
1	Separation of powers	C-21
2	Continuity of government	C-21
3	Oath of office	C-21
4	Initiative	C-22
5	Referendum	C-23
6	Elections	C-23
7	Number of electors	C-24
8	Prohibition	C-24
9	Gambling	C-24
<u>Art. IV Suffrage and Elections</u>		
Sec.		
1	Ballot	C-25
2	Qualified elector	C-25
3	Elections	C-25
4	Eligibility for public office	C-25
5	Result of elections	C-26
6	Privilege from arrest	C-26
<u>Art. V The Legislature</u>		
Sec.		

## TABLE OF CONTENTS

---

1	Power and structure	C-27
2	Size	C-27
3	Election and terms	C-27
4	Qualifications	C-27
5	Compensation	C-28
6	Sessions	C-28
7	Vacancies	C-28
8	Immunity	C-28
9	Disqualification	C-29
10	Organization and procedure	C-29
11	Bills	C-30
12	Local and special legislation	C-32
13	Impeachment	C-32
14	Districting and apportionment	C-33
<u>Art. VI The Executive</u>		
Sec.		
1	Officers	C-35
2	Election	C-35
3	Qualifications	C-36
4	Duties	C-36
5	Compensation	C-37
6	Vacancy in office	C-38
7	20 departments	C-39
8	Appointing power	C-39
9	Budget and messages	C-40
10	Veto power	C-41
11	Special session	C-42
12	Pardons	C-42
13	Militia	C-42
14	Succession	C-43
15	Information for governor	C-45
<u>Art. VII The Judiciary</u>		

## TABLE OF CONTENTS

---

### Sec.

1	Judicial power	C-47
2	Supreme court jurisdiction	C-47
3	Supreme court organization	C-48
4	District court jurisdiction	C-48
5	Justices of the peace	C-49
6	Judicial districts	C-49
7	Terms and pay	C-50
8	Selection	C-51
9	Qualifications	C-52
10	Forfeiture of judicial position	C-53
11	Removal and discipline	C-53

### Art. VIII Revenue and Finance

#### Sec.

1	Tax purposes	C-55
2	Tax power inalienable	C-55
3	Property tax administration	C-55
4	Equal valuation	C-55
5	Property tax exemptions	C-55
6	Highway revenue non-diversion	C-56
7	Tax appeals	C-57
8	State debt	C-57
9	Balanced budget	C-58
10	Local government debt	C-58
11	Use of loan proceeds	C-58
12	Strict accountability	C-58
13	Investment of public funds	C-58
14	Prohibited payments	C-59

### Art. IX Environment and Natural Resources

#### Sec.

1	Protection and improvement	C-61
2	Reclamation	C-61



## TABLE OF CONTENTS

---

3	Water rights	C-62
4	Cultural resources	C-63
5	Severance tax on coal -- trust fund	C-63
<u>Art. X Education and Public Lands</u>		
Sec.		
1	Educational goals and duties	C-64
2	Public school fund	C-64
3	Public school fund inviolate	C-65
4	Board of land commissioners	C-65
5	Public school fund revenue	C-66
6	Aid prohibited to sectarian schools	C-67
7	Non-discrimination in education	C-67
8	School district trustees	C-68
9	Boards of education	C-68
10	State university funds	C-70
11	Public land trust, disposition	C-70
<u>Art. XI Local Government</u>		
Sec.		
1	Definition	C-72
2	Counties	C-72
3	Forms of government	C-72
4	General powers	C-73
5	Self-government charters	C-74
6	Self-government powers	C-75
7	Intergovernmental cooperation	C-75
8	Initiative and referendum	C-76
9	Voter review of local government	C-76
<u>Art. XII Departments and Institutions</u>		
Sec.		

## TABLE OF CONTENTS

---

1 Agriculture	C-77
2 Labor	C-77
3 Institutions and assistance	C-77
<u>Art. XIII General Provisions</u>	
Sec.	
1 Non-municipal corporations	C-79
2 Consumer counsel	C-79
3 Salary commission	C-80
4 Code of ethics	C-80
5 Exemption laws	C-80
6 Perpetuities	C-80
<u>Art. XIV Constitutional Revision</u>	
Sec.	
1 Constitutional convention	C-81
2 Initiative for constitutional convention	C-81
3 Periodic submission	C-81
4 Call of convention	C-82
5 Convention expenses	C-82
6 Oath, vacancies	C-83
7 Convention duties	C-83
8 Amendment by legislative referendum	C-83
9 Amendment by initiative	C-84
10 Petition signers	C-85
11 Submission	C-85
<u>Transition Schedule</u>	
Sec.	
1 Accelerated effective date	C-90
2 Delayed effective date	C-91
3 Prospective operation of declaration of rights	C-91

## CONSTITUTION

---

4 Terms of judiciary	C-91
5 Terms of legislators	C-91
6 General transition	C-92

## CONSTITUTION

---

## CONSTITUTION

---

### PREAMBLE

We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution.

### ARTICLE I

#### COMPACT WITH THE UNITED STATES

All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676), as amended and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, continue in full force and effect until revoked by the consent of the United States and the people of Montana.

## CONSTITUTION

---

### ARTICLE II DECLARATION OF RIGHTS

Section 1. Popular sovereignty. All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. Self-government. The people have the exclusive right of governing themselves as a free, sovereign, and independent state. They may alter or abolish the constitution and form of government whenever they deem it necessary.

Section 3. Inalienable rights. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Section 4. Individual dignity. The

## CONSTITUTION

---

dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

Section 5. Freedom of religion. The state shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Section 6. Freedom of assembly. The people shall have the right peaceably to assemble, petition for redress or peaceably protest governmental action.

Section 7. Freedom of speech, expression, and press. No law shall be passed impairing the freedom of speech or expression. Every person shall be free to speak or publish whatever he will on any subject, being responsible for all abuse of that liberty. In all suits and prosecutions for libel or slander the truth thereof may be given in evidence; and the jury, under the direction of the court, shall determine the law and the

## CONSTITUTION

---

facts.

Section 8. Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

Section 9. Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

Section 10. Right of privacy. The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.

Section 11. Searches and seizures. The people shall be secure in their persons, papers, homes and effects from unreasonable searches and seizures. No warrant to search any place, or seize any person or thing shall issue without describing the place to be searched or



## CONSTITUTION

---

the person or thing to be seized, or without probable cause, supported by oath or affirmation reduced to writing.

Section 12. Right to bear arms. The right of any person to keep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

Section 13. Right of suffrage. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Section 14. Adult rights. A person 18 years of age or older is an adult for all purposes, except that the legislature or the people by initiative may establish an age of not more than 19 as the legal age for consuming or possessing alcoholic beverages.

Section 15. Rights of persons not adults. The rights of persons under 18 years of age shall include, but not be limited to, all the fundamental rights of this Article unless specifically pre-

## CONSTITUTION

---

cluded by laws which enhance the protection of such persons.

Section 16. The administration of justice. Courts of justice shall be open to every person, and speedy remedy afforded for every injury of person, property, or character. No person shall be deprived of this full legal redress for injury incurred in employment for which another person may be liable except as to fellow employees and his immediate employer who hired him if such immediate employer provides coverage under the Workmen's Compensation Laws of this state. Right and justice shall be administered without sale, denial, or delay.

Section 17. Due process of law. No person shall be deprived of life, liberty, or property without due process of law.

Section 18. State subject to suit. The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property, except as may be specifically provided by law by a 2/3 vote of each house of the legislature.

## CONSTITUTION

---

Section 19. Habeas corpus. The privilege of the writ of habeas corpus shall never be suspended.

Section 20. Initiation of proceedings. (1) Criminal offenses within the jurisdiction of any court inferior to the district court shall be prosecuted by complaint. All criminal actions in district court, except those on appeal, shall be prosecuted either by information, after examination and commitment by a magistrate or after leave granted by the court, or by indictment without such examination, commitment or leave.

(2) A grand jury shall consist of eleven persons, of whom eight must concur to find an indictment. A grand jury shall be drawn and summoned only at the discretion and order of the district judge.

Section 21. Bail. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Section 22. Excessive sanctions. Excessive bail shall not be required, or

## CONSTITUTION

---

excessive fines imposed, or cruel and unusual punishments inflicted.

Section 23. Detention. No person shall be imprisoned for the purpose of securing his testimony in any criminal proceeding longer than may be necessary in order to take his deposition. If he can give security for his appearance at the time of trial, he shall be discharged upon giving the same; if he cannot give security, his deposition shall be taken in the manner provided by law, and in the presence of the accused and his counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof.

Section 24. Rights of the accused. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the state to have a change of

## CONSTITUTION

---

venue for any of the causes for which the defendant may obtain the same.

Section 25. Self-incrimination and double jeopardy. No person shall be compelled to testify against himself in a criminal proceeding. No person shall be again put in jeopardy for the same offense previously tried in any jurisdiction.

Section 26. Trial by jury. The right of trial by jury is secured to all and shall remain inviolate. But upon default of appearance or by consent of the parties expressed in such manner as the law may provide, all cases may be tried without a jury or before fewer than the number of jurors provided by law. In all civil actions, two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as if all had concurred therein. In all criminal actions, the verdict shall be unanimous.

Section 27. Imprisonment for debt. No person shall be imprisoned for debt except in the manner provided by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong

## CONSTITUTION

---

presumption of fraud.

Section 28. Rights of the convicted. Laws for the punishment of crime shall be founded on the principles of prevention and reformation. Full rights are restored by termination of state supervision for any offense against the state.

Section 29. Eminent domain. Private property shall not be taken or damaged for public use without just compensation to the full extent of the loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when the private property owner prevails.

Section 30. Treason and descent of estates. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the legislature; no conviction shall cause the loss of prop-

## CONSTITUTION

---

erty to the relatives or heirs of the convicted. The estates of suicides shall descend or vest as in cases of natural death.

Section 31. Ex post facto, obligation of contracts, and irrevocable privileges. No ex post facto law nor any law impairing the obligation of contracts, or making any irrevocable grant of special privileges, franchises, or immunities, shall be passed by the legislature.

Section 32. Civilian control of the military. The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner provided by law.

Section 33. Importation of armed persons. No armed person or persons or armed body of men shall be brought into this state for the preservation of the peace, or the suppression of domestic violence, except upon the application of the legislature, or of the governor when the legislature cannot be convened.

## CONSTITUTION

---

Section 34. Unenumerated rights. The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

Section 35. Servicemen, servicewomen, and veterans. The people declare that Montana servicemen, servicewomen, and veterans may be given special considerations determined by the legislature.



## CONSTITUTION

---

### ARTICLE III GENERAL GOVERNMENT

Section 1. Separation of powers. The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

Section 2. Continuity of government. The seat of government shall be in Helena, except during periods of emergency resulting from disasters or enemy attack. The legislature may enact laws to insure the continuity of government during a period of emergency without regard for other provisions of the constitution. They shall be effective only during the period of emergency that affects a particular office or governmental operation.

Section 3. Oath of office. Members of the legislature and all executive, ministerial and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the

## CONSTITUTION

---

duties of their offices: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)." No other oath, declaration, or test shall be required as a qualification for any office or public trust.

Section 4. Initiative. (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon.

(3) The sufficiency of the initiative petition shall not be questioned after the election is held.

## CONSTITUTION

---

Section 5. Referendum. (1) The people may approve or reject by referendum any act of the legislature except an appropriation of money. A referendum shall be held either upon order by the legislature or upon petition signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts. The total number of signers must be at least five percent of the qualified electors of the state. A referendum petition shall be filed with the secretary of state no later than six months after adjournment of the legislature which passed the act.

(2) An act referred to the people is in effect until suspended by petitions signed by at least 15 percent of the qualified electors in a majority of the legislative representative districts. If so suspended the act shall become operative only after it is approved at an election, the result of which has been determined and declared as provided by law.

Section 6. Elections. The people shall vote on initiative and referendum measures at the general election unless

## CONSTITUTION

---

the legislature orders a special election.

Section 7. Number of electors. The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.

Section 8. Prohibition. The provisions of this Article do not apply to CONSTITUTIONAL REVISION, Article XIV.

Section 9. Gambling. All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum.

## CONSTITUTION

---

### ARTICLE IV SUFFRAGE AND ELECTIONS

Section 1. Ballot. All elections by the people shall be by secret ballot.

Section 2. Qualified elector. Any citizen of the United States 18 years of age or older who meets the registration and residence requirements provided by law is a qualified elector unless he is serving a sentence for a felony in a penal institution or is of unsound mind, as determined by a court.

Section 3. Elections. The legislature shall provide by law the requirements for residence, registration, absentee voting, and administration of elections. It may provide for a system of poll booth registration, and shall insure the purity of elections and guard against abuses of the electoral process.

Section 4. Eligibility for public office. Any qualified elector is eligible to any public office except as otherwise provided in this constitution. The legislature may provide additional qualifications but no person convicted of a felony shall be eligible to hold office until his final discharge from

## CONSTITUTION

---

state supervision.

Section 5. Result of elections. In all elections held by the people, the person or persons receiving the largest number of votes shall be declared elected.

Section 6. Privilege from arrest. A qualified elector is privileged from arrest at polling places and in going to and returning therefrom, unless apprehended in the commission of a felony or a breach of the peace.

## CONSTITUTION

---

### ARTICLE V THE LEGISLATURE

Section 1. Power and structure. The legislative power is vested in a legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum.

Section 2. Size. The size of the legislature shall be provided by law, but the senate shall not have more than 50 or fewer than 40 members and the house shall not have more than 100 or fewer than 80 members.

Section 3. Election and terms. A member of the house of representatives shall be elected for a term of two years and a member of the senate for a term of four years each to begin on a date provided by law. One-half of the senators shall be elected every two years.

Section 4. Qualifications. A candidate for the legislature shall be a resident of the state for at least one year next preceding the general election. For six months next preceding the general election, he shall be a resident of the county if it contains one or more dis-

## CONSTITUTION

---

tricts or of the district if it contains all or parts of more than one county.

Section 5. Compensation. Each member of the legislature shall receive compensation for his services and allowances provided by law. No legislature may fix its own compensation.

Section 6. Sessions. The legislature shall meet each odd-numbered year in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members.

Section 7. Vacancies. A vacancy in the legislature shall be filled by special election for the unexpired term unless otherwise provided by law.

Section 8. Immunity. A member of the legislature is privileged from arrest during attendance at sessions of the legislature and in going to and returning therefrom, unless apprehended in the commission of a felony or a breach of the peace. He shall not be questioned in any other place for any speech or debate



## CONSTITUTION

---

in the legislature.

Section 9. Disqualification. No member of the legislature shall, during the term for which he shall have been elected, be appointed to any civil office under the state; and no member of congress, or other person holding an office (except notary public, or the militia) under the United States or this state, shall be a member of the legislature during his continuance in office.

Section 10. Organization and procedure. (1) Each house shall judge the election and qualifications of its members. It may by law vest in the courts the power to try and determine contested elections. Each house shall choose its officers from among its members, keep a journal, and make rules for its proceedings. Each house may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members.

(2) A majority of each house constitutes a quorum. A smaller number may adjourn from day to day and compel attendance of absent members.

(3) The sessions of the legislature

## CONSTITUTION

---

and of the committee of the whole, all committee meetings, and all hearings shall be open to the public.

(4) The legislature may establish a legislative council and other interim committees. The legislature shall establish a legislative post-audit committee which shall supervise post-auditing duties provided by law.

(5) Neither house shall, without the consent of the other, adjourn or recess for more than three days or to any place other than that in which the two houses are sitting.

Section 11. Bills. (1) A law shall be passed by bill which shall not be so altered or amended on its passage through the legislature as to change its original purpose. No bill shall become law except by a vote of the majority of all members present and voting.

(2) Every vote of each member of the legislature on each substantive question in the legislature, in any committee, or in committee of the whole shall be recorded and made public. On final passage, the vote shall be taken by ayes and noes and the names entered on the

## CONSTITUTION

---

journal.

(3) Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title. If any subject is embraced in any act and is not expressed in the title, only so much of the act not so expressed is void.

(4) A general appropriation bill shall contain only appropriations for the ordinary expenses of the legislative, executive, and judicial branches, for interest on the public debt, and for public schools. Every other appropriation shall be made by a separate bill, containing but one subject.

(5) No appropriation shall be made for religious, charitable, industrial, educational, or benevolent purposes to any private individual, private association, or private corporation not under control of the state.

(6) A law may be challenged on the ground of noncompliance with this section only within two years after its effective date.

## CONSTITUTION

---

Section 12. Local and special legislation. The legislature shall not pass a special or local act when a general act is, or can be made, applicable.

Section 13. Impeachment. (1) The governor, executive officers, heads of state departments, judicial officers, and such other officers as may be provided by law are subject to impeachment, and upon conviction shall be removed from office. Other proceedings for removal from public office for cause may be provided by law.

(2) The legislature shall provide for the manner, procedure, and causes for impeachment and may select the senate as tribunal.

(3) Impeachment shall be brought only by a two-thirds vote of the house. The tribunal hearing the charges shall convict only by a vote of two-thirds or more of its members.

(4) Conviction shall extend only to removal from office, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law.

## CONSTITUTION

---

Section 14. Districting and apportionment. (1) The state shall be divided into as many districts as there are members of the house, and each district shall elect one representative. Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

(2) In the legislative session following ratification of this constitution and thereafter in each session preceding each federal population census, a commission of five citizens, none of whom may be public officials, shall be selected to prepare a plan for redistricting and reapportioning the state into legislative and congressional districts. The majority and minority leaders of each house shall each designate one commissioner. Within 20 days after their designation, the four commissioners shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall

## CONSTITUTION

---

select him.

(3) The commission shall submit its plan to the legislature at the first regular session after its appointment or after the census figures are available. Within 30 days after submission, the legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the commission shall file its final plan with the secretary of state and it shall become law. The commission is then dissolved.

## CONSTITUTION

---

### ARTICLE VI THE EXECUTIVE

Section 1. Officers. (1) The executive branch includes a governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor.

(2) Each holds office for a term of four years which begins on the first Monday of January next succeeding election, and until a successor is elected and qualified.

(3) Each shall reside at the seat of government, there keep the public records of his office, and perform such other duties as are provided in this constitution and by law.

Section 2. Election. (1) The governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor shall be elected by the qualified electors at a general election provided by law.

(2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or so otherwise comply with nomination

## CONSTITUTION

---

procedures provided by law that the offices of governor and lieutenant governor are voted upon together in primary and general elections.

Section 3. Qualifications. (1) No person shall be eligible to the office of governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, or auditor unless he is 25 years of age or older at the time of his election. In addition, each shall be a citizen of the United States who has resided within the state two years next preceding his election.

(2) Any person with the foregoing qualifications is eligible to the office of attorney general if an attorney in good standing admitted to practice law in Montana who has engaged in the active practice thereof for at least five years before election.

(3) The superintendent of public instruction shall have such educational qualifications as are provided by law.

Section 4. Duties. (1) The executive power is vested in the governor who shall see that the laws are faithfully



## CONSTITUTION

---

executed. He shall have such other duties as are provided in this constitution and by law.

(2) The lieutenant governor shall perform the duties provided by law and those delegated to him by the governor. No power specifically vested in the governor by this constitution may be delegated to the lieutenant governor.

(3) The secretary of state shall maintain official records of the executive branch and of the acts of the legislature, as provided by law. He shall keep the great seal of the state of Montana and perform any other duties provided by law.

(4) The attorney general is the legal officer of the state and shall have the duties and powers provided by law.

(5) The superintendent of public instruction and the auditor shall have such duties as are provided by law.

Section 5. Compensation. (1) Officers of the executive branch shall receive salaries provided by law.

(2) During his term, no elected offi-

## CONSTITUTION

---

cer of the executive branch may hold another public office or receive compensation for services from any other governmental agency. He may be a candidate for any public office during his term.

Section 6. Vacancy in office. (1) If the office of lieutenant governor becomes vacant by his succession to the office of governor, or by his death, resignation, or disability as determined by law, the governor shall appoint a qualified person to serve in that office for the remainder of the term. If both the elected governor and the elected lieutenant governor become unable to serve in the office of governor, succession to the respective offices shall be as provided by law for the period until the next general election. Then, a governor and lieutenant governor shall be elected to fill the remainder of the original term.

(2) If the office of secretary of state, attorney general, auditor, or superintendent of public instruction becomes vacant by death, resignation, or disability as determined by law, the governor shall appoint a qualified person to serve in that office until the next general election and until a suc-

## CONSTITUTION

---

cessor is elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the term for which his predecessor was elected.

Section 7. 20 departments. All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the executive branch (except for the office of governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor) and their respective functions, powers, and duties, shall be allocated by law among not more than 20 principal departments so as to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by law and need not be allocated within a department.

Section 8. Appointing power. (1) The departments provided for in section 7 shall be under the supervision of the governor. Except as otherwise provided in this constitution or by law, each department shall be headed by a single executive appointed by the governor subject to confirmation by the senate to hold office until the end of the

## CONSTITUTION

---

governor's term unless sooner removed by the governor.

(2) The governor shall appoint, subject to confirmation by the senate, all officers provided for in this constitution or by law whose appointment or election is not otherwise provided for. They shall hold office until the end of the governor's term unless sooner removed by the governor.

(3) If a vacancy occurs in any such office when the legislature is not in session, the governor shall appoint a qualified person to discharge the duties thereof until the office is filled by appointment and confirmation.

(4) A person not confirmed by the senate for an office shall not, except at its request, be nominated again for that office at the same session, or be appointed to that office when the legislature is not in session.

Section 9. Budget and messages. The governor shall at the beginning of each legislative session, and may at other times, give the legislature information and recommend measures he considers necessary. The governor shall submit to

## CONSTITUTION

---

the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail for all operating funds the proposed expenditures and estimated revenue of the state.

Section 10. Veto power. (1) Each bill passed by the legislature, except bills proposing amendments to the Montana constitution, bills ratifying proposed amendments to the United States constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor for his signature. If he does not sign or veto the bill within five days after its delivery to him if the legislature is in session or within 25 days if the legislature is adjourned, it shall become law. The governor shall return a vetoed bill to the legislature with a statement of his reasons therefor.

(2) The governor may return any bill to the legislature with his recommendation for amendment. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the governor for his reconsideration. The governor shall not return a bill for amendment a second time.

## CONSTITUTION

---

(3) If after receipt of a veto message, two-thirds of the members present approve the bill, it shall become law.

(4) If the legislature is not in session when the governor vetoes a bill, he shall return the bill with his reasons therefor to the legislature as provided by law. The legislature may reconvene to reconsider any bill so vetoed.

(5) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill.

Section 11. Special session. Whenever the governor considers it in the public interest, he may convene the legislature.

Section 12. Pardons. The governor may grant reprieves, commutations and pardons, restore citizenship, and suspend and remit fines and forfeitures subject to procedures provided by law.

Section 13. Militia. (1) The governor is commander-in-chief of the militia forces of the state, except when they

## CONSTITUTION

---

are in the actual service of the United States. He may call out any part or all of the forces to aid in the execution of the laws, suppress insurrection, repel invasion, or protect life and property in natural disasters.

(2) The militia forces shall consist of all able-bodied citizens of the state except those exempted by law.

Section 14. Succession. (1) If the governor-elect is disqualified or dies, the lieutenant governor-elect upon qualifying for the office shall become governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect upon qualifying as such shall serve as acting governor until the governor-elect is able to assume office, or until the office, becomes vacant.

(2) The lieutenant governor shall serve as acting governor when so requested in writing by the governor. After the governor has been absent from the state for more than 45 consecutive days, the lieutenant governor shall serve as acting governor.

(3) He shall serve as acting governor

## CONSTITUTION

---

when the governor is so disabled as to be unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. The lieutenant governor shall continue to serve as acting governor until the governor is able to resume the duties of his office.

(4) Whenever, at any other time, the lieutenant governor and attorney general transmit to the legislature their written declaration that the governor is unable to discharge the powers and duties of his office, the legislature shall convene to determine whether he is able to do so.

(5) If the legislature, within 21 days after convening, determines by two-thirds vote of its members that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall serve as acting governor. Thereafter, when the governor transmits to the legislature his written declaration that no inability exists, he shall resume the powers and duties of his office within 15 days, unless the legislature determines otherwise by two-thirds vote of its members. If the legislature so determines, the lieutenant



## CONSTITUTION

---

ant governor shall continue to serve as acting governor.

(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor shall become governor for the remainder of the term, except as provided in this constitution.

(7) Additional succession to fill vacancies shall be provided by law.

(8) When there is a vacancy in the office of governor, the successor shall be the governor. The acting governor shall have the powers and duties of the office of governor only for the period during which he serves.

### Section 15. Information for governor.

(1) The governor may require information in writing, under oath when required, from the officers of the executive branch upon any subject relating to the duties of their respective offices.

(2) He may require information in writing, under oath, from all officers and managers of state institutions.

(3) He may appoint a committee to

## CONSTITUTION

---

investigate and report to him upon the condition of any executive office or state institution.

## CONSTITUTION

---

### ARTICLE VII THE JUDICIARY

Section 1. Judicial power. The judicial power of the state is vested in one supreme court, district courts, justice courts, and such other courts as may be provided by law.

Section 2. Supreme court jurisdiction. (1) The supreme court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.

(2) It has general supervisory control over all other courts.

(3) It may make rules governing appellate procedure, practice and procedure for all other courts, admission to the bar and the conduct of its members. Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation.

(4) Supreme court process shall extend to all parts of the state.

## CONSTITUTION

---

Section 3. Supreme court organization. (1) The supreme court consists of one chief justice and four justices, but the legislature may increase the number of justices from four to six. A majority shall join in and pronounce decisions, which must be in writing.

(2) A district judge shall be substituted for the chief justice or a justice in the event of disqualification or disability, and the opinion of the district judge sitting with the supreme court shall have the same effect as an opinion of a justice.

Section 4. District court jurisdiction. (1) The district court has original jurisdiction in all criminal cases amounting to felony and all civil matters and cases at law and in equity. It may issue all writs appropriate to its jurisdiction. It shall have the power of naturalization and such additional jurisdiction as may be delegated by the laws of the United States or the state of Montana. Its process shall extend to all parts of the state.

(2) The district court shall hear appeals from inferior courts as trials

## CONSTITUTION

---

anew unless otherwise provided by law. The legislature may provide for direct review by the district court of decisions of administrative agencies.

(3) Other courts may have jurisdiction of criminal cases not amounting to felony and such jurisdiction concurrent with that of the district court as may be provided by law.

Section 5. Justices of the peace.  
(1) There shall be elected in each county at least one justice of the peace with qualifications, training, and monthly compensation provided by law. There shall be provided such facilities that they may perform their duties in dignified surroundings.

(2) Justice courts shall have such original jurisdiction as may be provided by law. They shall not have trial jurisdiction in any criminal case designated a felony except as examining courts.

(3) The legislature may provide for additional justices of the peace in each county.

Section 6. Judicial districts.  
(1) The legislature shall divide the

## CONSTITUTION

---

state into judicial districts and provide for the number of judges in each district. Each district shall be formed of compact territory and be bounded by county lines.

(2) The legislature may change the number and boundaries of judicial districts and the number of judges in each district, but no change in boundaries or the number of districts or judges therein shall work a removal of any judge from office during the term for which he was elected or appointed.

(3) The chief justice may, upon request of the district judge, assign district judges and other judges for temporary service from one district to another, and from one county to another.

Section 7. Terms and pay. (1) All justices and judges shall be paid as provided by law, but salaries shall not be diminished during terms of office.

(2) Terms of office shall be eight years for supreme court justices, six years for district court judges, four years for justices of the peace, and as provided by law for other judges.

## CONSTITUTION

---

Section 8. Selection. (1) The governor shall nominate a replacement from nominees selected in the manner provided by law for any vacancy in the office of supreme court justice or district court judge. If the governor fails to nominate within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the nomination. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session shall be effective as an appointment until the end of the next session. If the nomination is not confirmed, the office shall be vacant and another selection and nomination shall be made.

(2) If, at the first election after senate confirmation, and at the election before each succeeding term of office, any candidate other than the incumbent justice or district judge files for election to that office, the name of the incumbent shall be placed on the ballot. If there is no election contest for the office, the name of the incumbent shall nevertheless be placed on the general election ballot to allow voters of the state or district to approve or reject him. If an incumbent is rejected, another selection and nomination shall

## CONSTITUTION

---

be made.

(3) If an incumbent does not run, there shall be an election for the office.

Section 9. Qualifications. (1) A citizen of the United States who has resided in the state two years immediately before taking office is eligible to the office of supreme court justice or district court judge if admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. Qualifications and methods of selection of judges of other courts shall be provided by law.

(2) No supreme court justice or district court judge shall solicit or receive compensation in any form whatever on account of his office, except salary and actual necessary travel expense.

(3) Except as otherwise provided in this constitution, no supreme court justice or district court judge shall practice law during his term of office, engage in any other employment for which salary or fee is paid, or hold office in a political party.



## CONSTITUTION

---

(4) Supreme court justices shall reside within the state. Every other judge shall reside during his term of office in the district, county, township, precinct, city or town in which he is elected or appointed.

Section 10. Forfeiture of judicial position. Any holder of a judicial position forfeits that position by either filing for an elective public office other than a judicial position or absenting himself from the state for more than 60 consecutive days.

Section 11. Removal and discipline. (1) The legislature shall create a judicial standards commission consisting of five persons and provide for the appointment thereto of two district judges, one attorney, and two citizens who are neither judges nor attorneys.

(2) The commission shall investigate complaints, and make rules implementing this section. It may subpoena witnesses and documents.

(3) Upon recommendation of the commission, the supreme court may:

## CONSTITUTION

---

(a) Retire any justice or judge for disability that seriously interferes with the performance of his duties and is or may become permanent; or

(b) Censure, suspend, or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, or habitual intemperance.

(4) The proceedings of the commission are confidential except as provided by statute.

## CONSTITUTION

---

### ARTICLE VIII REVENUE AND FINANCE

Section 1. Tax purposes. Taxes shall be levied by general laws for public purposes.

Section 2. Tax power inalienable. The power to tax shall never be surrendered, suspended, or contracted away.

Section 3. Property tax administration. The state shall appraise, assess, and equalize the valuation of all property which is to be taxed in the manner provided by law.

Section 4. Equal valuation. All taxing jurisdictions shall use the assessed valuation of property established by the state.

Section 5. Property tax exemptions.  
(1) The legislature may exempt from taxation:

(a) Property of the United States, the state, counties, cities, towns, school districts, municipal corporations, and public libraries, but any private interest in such property may be taxed separately.

## CONSTITUTION

---

(b) Institutions of purely public charity, hospitals and places of burial not used or held for private or corporate profit, places for actual religious worship, and property used exclusively for educational purposes.

(c) Any other classes of property.

(2) The legislature may authorize creation of special improvement districts for capital improvements and the maintenance thereof. It may authorize the assessment of charges for such improvements and maintenance against tax exempt property directly benefited thereby.

Section 6. Highway revenue non-diversion. (1) Revenue from gross vehicle weight fees and excise and license taxes (except general sales and use taxes) on gasoline, fuel, and other energy sources used to propel vehicles on public highways shall be used as authorized by the legislature, after deduction of statutory refunds and adjustments, solely for:

(a) Payment of obligations incurred for construction, reconstruction,

## CONSTITUTION

---

repair, operation, and maintenance of public highways, streets, roads, and bridges.

(b) Payment of county, city, and town obligations on streets, roads, and bridges.

(c) Enforcement of highway safety, driver education, tourist promotion, and administrative collection costs.

(2) Such revenue may be appropriated for other purposes by a three-fifths vote of the members of each house of the legislature.

Section 7. Tax appeals. The legislature shall provide independent appeal procedures for taxpayer grievances about appraisals, assessments, equalization, and taxes. The legislature shall include a review procedure at the local government unit level.

Section 8. State debt. No state debt shall be created unless authorized by a two-thirds vote of the members of each house of the legislature or a majority of the electors voting thereon. No state debt shall be created to cover deficits incurred because appropriations exceeded

## CONSTITUTION

---

anticipated revenue.

Section 9. Balanced budget. Appropriations by the legislature shall not exceed anticipated revenue.

Section 10. Local government debt. The legislature shall by law limit debts of counties, cities, towns, and all other local governmental entities.

Section 11. Use of loan proceeds. All money borrowed by or on behalf of the state or any county, city, town, or other local governmental entity shall be used only for purposes specified in the authorizing law.

Section 12. Strict accountability. The legislature shall by law insure strict accountability of all revenue received and money spent by the state and counties, cities, towns, and all other local governmental entities.

Section 13. Investment of public funds. (1) The legislature shall provide for a unified investment program for public funds and provide rules therefor, including supervision of investment of surplus funds of all counties, cities, towns, and other local

## CONSTITUTION

---

governmental entities. Each fund forming a part of the unified investment program shall be separately identified. Except for monies contributed to retirement funds, no public funds shall be invested in private corporate capital stock. The investment program shall be audited at least annually and a report thereof submitted to the governor and legislature.

(2) The public school fund and the permanent funds of the Montana university system and all other state institutions of learning shall be safely and conservatively invested in:

(a) Public securities of the state, its subdivisions, local government units, and districts within the state, or

(b) Bonds of the United States or other securities fully guaranteed as to principal and interest by the United States, or

(c) Such other safe investments bearing a fixed rate of interest as may be provided by law.

Section 14. Prohibited payments.  
Except for interest on the public debt,

## CONSTITUTION

---

no money shall be paid out of the treasury unless upon an appropriation made by law and a warrant drawn by the proper officer in pursuance thereof.



## CONSTITUTION

---

### ARTICLE IX ENVIRONMENT AND NATURAL RESOURCES

Section 1. Protection and improvement. (1) The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.

(2) The legislature shall provide for the administration and enforcement of this duty.

(3) The legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

Section 2. Reclamation. (1) All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed.

(2) The legislature shall provide for a fund, to be known as the resource indemnity trust of the state of Montana, to be funded by such taxes on the

## CONSTITUTION

---

extraction of natural resources as the legislature may from time to time impose for that purpose.

(3) The principal of the resource indemnity trust shall forever remain inviolate in an amount of one hundred million dollars (\$100,000,000), guaranteed by the state against loss or diversion.

Section 3. Water rights. (1) All existing rights to the use of any waters for any useful or beneficial purpose are hereby recognized and confirmed.

(2) The use of all water that is now or may hereafter be appropriated for sale, rent, distribution, or other beneficial use, the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, and the sites for reservoirs necessary for collecting and storing water shall be held to be a public use.

(3) All surface, underground, flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for benefi-

## CONSTITUTION

---

cial uses as provided by law.

(4) The legislature shall provide for the administration, control, and regulation of water rights and shall establish a system of centralized records, in addition to the present system of local records.

Section 4. Cultural resources. The legislature shall provide for the identification, acquisition, restoration, enhancement, preservation, and administration of scenic, historic, archeologic, scientific, cultural, and recreational areas, sites, records and objects, and for their use and enjoyment by the people.

Section 5. Severance tax on coal -- trust fund. The legislature shall dedicate not less than one-fourth ( $1/4$ ) of the coal severance tax to a trust fund, the interest and income from which may be appropriated. The principal of the trust shall forever remain inviolate unless appropriated by vote of three-fourths ( $3/4$ ) of the members of each house of the legislature. After December 31, 1979, at least fifty percent (50%) of the severance tax shall be dedicated to the trust fund.

## CONSTITUTION

---

### ARTICLE X EDUCATION AND PUBLIC LANDS

Section 1. Educational goals and duties. (1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.

(2) The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.

(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable. It shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.

Section 2. Public school fund. The public school fund of the state shall consist of: (1) Proceeds from the school

## CONSTITUTION

---

lands which have been or may hereafter be granted by the United States,

(2) Lands granted in lieu thereof,

(3) Lands given or granted by any person or corporation under any law or grant of the United States,

(4) All other grants of land or money made from the United States for general educational purposes or without special purpose,

(5) All interests in estates that escheat to the state,

(6) All unclaimed shares and dividends of any corporation incorporated in the state,

(7) All other grants, gifts, devises or bequests made to the state for general educational purposes.

Section 3. Public school fund inviolate. The public school fund shall forever remain inviolate, guaranteed by the state against loss or diversion.

Section 4. Board of land commissioners. The governor, superintendent of

## CONSTITUTION

---

public instruction, auditor, secretary of state, and attorney general constitute the board of land commissioners. It has the authority to direct, control, lease, exchange, and sell school lands and lands which have been or may be granted for the support and benefit of the various state educational institutions, under such regulations and restrictions as may be provided by law.

Section 5. Public school fund revenue. (1) Ninety-five percent of all the interest received on the public school fund and ninety-five percent of all rent received from the leasing of school lands and all other income from the public school fund shall be equitably apportioned annually to public elementary and secondary school districts as provided by law.

(2) The remaining five percent of all interest received on the public school fund, and the remaining five percent of all rent received from the leasing of school lands and all other income from the public school fund shall annually be added to the public school fund and become and forever remain an inseparable and inviolable part thereof.

## CONSTITUTION

---

Section 6. Aid prohibited to sectarian schools. (1) The legislature, counties, cities, towns, school districts, and public corporations shall not make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination.

(2) This section shall not apply to funds from federal sources provided to the state for the express purpose of distribution to non-public education.

Section 7. Non-discrimination in education. No religious or partisan test or qualification shall be required of any teacher or student as a condition of admission into any public educational institution. Attendance shall not be required at any religious service. No sectarian tenets shall be advocated in any public educational institution of the state. No person shall be refused admission to any public educational institution on account of sex, race, creed, religion, political beliefs, or

## CONSTITUTION

---

national origin.

Section 8. School district trustees. The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law.

Section 9. Boards of education. (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board.

(2) (a) The government and control of the Montana university system is vested in a board of regents of higher education which shall have full power, responsibility, and authority to supervise, coordinate, manage and control the Montana university system and shall supervise and coordinate other public educational institutions assigned by law.



## CONSTITUTION

---

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms, as provided by law. The governor and superintendent of public instruction are ex officio non-voting members of the board.

(c) The board shall appoint a commissioner of higher education and prescribe his term and duties.

(d) The funds and appropriations under the control of the board of regents are subject to the same audit provisions as are all other state funds.

(3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting mem-

## CONSTITUTION

---

bers of the board.

Section 10. State university funds. The funds of the Montana university system and of all other state institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated. The various funds shall be respectively invested under such regulations as may be provided by law, and shall be guaranteed by the state against loss or diversion. The interest from such invested funds, together with the rent from leased lands or properties, shall be devoted to the maintenance and perpetuation of the respective institutions.

Section 11. Public land trust, disposition. (1) All lands of the state that have been or may be granted by congress, or acquired by gift or grant or devise from any person or corporation, shall be public lands of the state. They shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised.

(2) No such land or any estate or

## CONSTITUTION

---

interest therein shall ever be disposed of except in pursuance of general laws providing for such disposition, or until the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, has been paid or safely secured to the state.

(3) No land which the state holds by grant from the United States which prescribes the manner of disposal and minimum price shall be disposed of except in the manner and for at least the price prescribed without the consent of the United States.

(4) All public land shall be classified by the board of land commissioners in a manner provided by law. Any public land may be exchanged for other land, public or private, which is equal in value and, as closely as possible, equal in area.

## CONSTITUTION

---

### ARTICLE XI LOCAL GOVERNMENT

Section 1. Definition. The term "local government units" includes, but is not limited to, counties and incorporated cities and towns. Other local government units may be established by law.

Section 2. Counties. The counties of the state are those that exist on the date of ratification of this constitution. No county boundary may be changed or county seat transferred until approved by a majority of those voting on the question in each county affected.

Section 3. Forms of government.  
(1) The legislature shall provide methods for governing local government units and procedures for incorporating, classifying, merging, consolidating, and dissolving such units, and altering their boundaries. The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question.

(2) One optional form of county gov-

## CONSTITUTION

---

ernment includes, but is not limited to, the election of three county commissioners, a clerk and recorder, a clerk of district court, a county attorney, a sheriff, a treasurer, a surveyor, a county superintendent of schools, an assessor, a coroner, and a public administrator. The terms, qualifications, duties, and compensation of those offices shall be provided by law. The Board of county commissioners may consolidate two or more such offices. The Boards of two or more counties may provide for a joint office and for the election of one official to perform the duties of any such office in those counties.

Section 4. General powers. (1) A local government unit without self-government powers has the following general powers:

(a) An incorporated city or town has the powers of a municipal corporation and legislative, administrative, and other powers provided or implied by law.

(b) A county has legislative, administrative, and other powers provided or implied by law.

(c) Other local government units have

## CONSTITUTION

---

powers provided by law.

(2) The powers of incorporated cities and towns and counties shall be liberally construed.

### Section 5. Self-government charters.

(1) The legislature shall provide procedures permitting a local government unit or combination of units to frame, adopt, amend, revise, or abandon a self-government charter with the approval of a majority of those voting on the question. The procedures shall not require approval of a charter by a legislative body.

(2) If the legislature does not provide such procedures by July 1, 1975, they may be established by election either:

(a) Initiated by petition in the local government unit or combination of units; or

(b) Called by the governing body of the local government unit or combination of units.

(3) Charter provisions establishing executive, legislative, and administra-

## CONSTITUTION

---

tive structure and organization are superior to statutory provisions.

Section 6. Self-government powers. A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

Section 7. Intergovernmental cooperation. (1) Unless prohibited by law or charter, a local government unit may

(a) cooperate in the exercise of any function, power, or responsibility with,

(b) share the services of any officer or facilities with,

(c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state, or the United States.

(2) The qualified electors of a local government unit may, by initiative or referendum, require it to do so.

## CONSTITUTION

---

Section 8. Initiative and referendum. The legislature shall extend the initiative and referendum powers reserved to the people by the constitution to the qualified electors of each local government unit.

Section 9. Voter review of local government. (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

(2) The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election.



## CONSTITUTION

---

### ARTICLE XII DEPARTMENTS AND INSTITUTIONS

Section 1. Agriculture. (1) The legislature shall provide for a Department of Agriculture and enact laws and provide appropriations to protect, enhance, and develop all agriculture.

(2) Special levies may be made on livestock and on agricultural commodities for disease control and indemnification, predator control, and livestock and commodity inspection, protection, research, and promotion. Revenue derived shall be used solely for the purposes of the levies.

Section 2. Labor. (1) The legislature shall provide for a Department of Labor and Industry, headed by a Commissioner appointed by the governor and confirmed by the senate.

(2) A maximum period of 8 hours is a regular day's work in all industries and employment except agriculture and stock raising. The legislature may change this maximum period to promote the general welfare.

Section 3. Institutions and assis-

## CONSTITUTION

---

tance. (1) The state shall establish and support institutions and facilities as the public good may require, including homes which may be necessary and desirable for the care of veterans.

(2) Persons committed to any such institutions shall retain all rights except those necessarily suspended as a condition of commitment. Suspended rights are restored upon termination of the state's responsibility.

(3) The legislature shall provide such economic assistance and social and rehabilitative services as may be necessary for those inhabitants who, by reason of age, infirmities, or misfortune may have need for the aid of society.

## CONSTITUTION

---

### ARTICLE XIII GENERAL PROVISIONS

Section 1. Non-municipal corporations. (1) Corporate charters shall be granted, modified, or dissolved only pursuant to general law.

(2) The legislature shall provide protection and education for the people against harmful and unfair practices by either foreign or domestic corporations, individuals, or associations.

(3) The legislature shall pass no law retrospective in its operations which imposes on the people a new liability in respect to transactions or considerations already passed.

Section 2. Consumer counsel. The legislature shall provide for an office of consumer counsel which shall have the duty of representing consumer interests in hearings before the public service commission or any other successor agency. The legislature shall provide for the funding of the office of consumer counsel by a special tax on the net income or gross revenues of regulated companies.

## CONSTITUTION

---

Section 3. Salary commission. The legislature shall create a salary commission to recommend compensation for the judiciary and elected members of the legislative and executive branches.

Section 4. Code of ethics. The legislature shall provide a code of ethics prohibiting conflict between public duty and private interest for members of the legislature and all state and local officers and employees.

Section 5. Exemption laws. The legislature shall enact liberal homestead and exemption laws.

Section 6. Perpetuities. No perpetuities shall be allowed except for charitable purposes.

## CONSTITUTION

---

### ARTICLE XIV CONSTITUTIONAL REVISION

Section 1. Constitutional convention. The legislature, by an affirmative vote of two-thirds of all the members, whether one or more bodies, may at any time submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution.

Section 2. Initiative for constitutional convention. (1) The people may by initiative petition direct the secretary of state to submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The secretary of state shall certify the filing of the petition in his office and cause the question to be submitted at the next general election.

Section 3. Periodic submission. If

## CONSTITUTION

---

the question of holding a convention is not otherwise submitted during any period of 20 years, it shall be submitted as provided by law at the general election in the twentieth year following the last submission.

Section 4. Call of convention. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session. The number of delegates to the convention shall be the same as that of the larger body of the legislature. The qualifications of delegates shall be the same as the highest qualifications required for election to the legislature. The legislature shall determine whether the delegates may be nominated on a partisan or a non-partisan basis. They shall be elected at the same places and in the same districts as are the members of the legislative body determining the number of delegates.

Section 5. Convention expenses. The legislature shall, in the act calling the convention, designate the day, hour, and place of its meeting, and fix and provide for the pay of its members and officers and the necessary expenses of

## CONSTITUTION

---

the convention.

Section 6. Oath, vacancies. Before proceeding, the delegates shall take the oath provided in this constitution. Vacancies occurring shall be filled in the manner provided for filling vacancies in the legislature if not otherwise provided by law.

Section 7. Convention duties. The convention shall meet after the election of the delegates and prepare such revisions, alterations, or amendments to the constitution as may be deemed necessary. They shall be submitted to the qualified electors for ratification or rejection as a whole or in separate articles or amendments as determined by the convention at an election appointed by the convention for that purpose not less than two months after adjournment. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration, or amendment shall take effect.

Section 8. Amendment by legislative referendum. Amendments to this constitution may be proposed by any member of the legislature. If adopted by an affirmative roll call vote of two-thirds

## CONSTITUTION

---

of all the members thereof, whether one or more bodies, the proposed amendment shall be submitted to the qualified electors at the next general election. If approved by a majority of the electors voting thereon, the amendment shall become a part of this constitution on the first day of July after certification of the election returns unless the amendment provides otherwise.

### Section 9. Amendment by initiative.

(1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The petitions shall be filed with the secretary of state. If the petitions are found to have been signed by the required number of electors, the secretary of state shall cause the amendment to be published as provided by law twice each month for two months previous to the next regular state-wide election.

(3) At that election, the proposed



## CONSTITUTION

---

amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise.

Section 10. Petition signers. The number of qualified electors required for the filing of any petition provided for in this Article shall be determined by the number of votes cast for the office of governor in the preceding general election.

Section 11. Submission. If more than one amendment is submitted at the same election, each shall be so prepared and distinguished that it can be voted upon separately.

## CONSTITUTION

---

Done in open convention at the city of Helena, in the state of Montana, this twenty-second day of March, in the year of our Lord one thousand nine hundred and seventy-two.

Leo Graybill, Jr., President  
Jean M. Bowman, Secretary  
Magnus Aasheim  
John H. Anderson, Jr.  
Oscar L. Anderson  
Harold Arbanas  
Franklin Arness  
Cedor B. Aronow  
William H. Artz  
Thomas M. Ask  
Betty Babcock  
Lloyd Barnard  
Grace C. Bates  
Don E. Belcher  
Ben E. Berg, Jr.  
E. M. Berthelson  
Chet Blaylock  
Virginia H. Blend  
Geoffrey L. Brazier  
Bruce M. Brown  
Daphne Bugbee  
William A. Burkhardt  
Marjorie Cain  
Bob Campbell  
Jerome J. Cate  
Richard J. Champoux

## CONSTITUTION

---

Lyman W. Choate  
Max Conover  
C. Louise Cross  
Wade J. Dahood  
Carl M. Davis  
Douglas Delaney  
Maurice Driscoll  
Dave Drum  
Dorothy Eck  
Marian S. Erdmann  
Leslie Eskildsen  
Mark Etchart  
James R. Felt  
Donald R. Foster  
Noel D. Furlong  
J. C. Garlington  
E. S. Gysler  
Otto T. Habedank  
Rod Hanson  
R. S. Hanson  
Gene Harbaugh  
Paul K. Harlow  
George Harper  
Daniel W. Harrington  
George B. Heliker  
David L. Holland  
Arnold W. Jacobsen  
George H. James  
Torrey B. Johnson  
Thomas F. Joyce  
A. W. Kamhoot  
Robert Lee Kelleher

## CONSTITUTION

---

John H. Leuthold  
Jerome T. Loendorf  
Peter "Pete" Lorello  
Joseph H. McCarvel  
Russell C. McDonough  
Mike McKeon  
Charles B. McNeil  
Charles H. Mahoney  
Rachell K. Mansfield  
Fred J. Martin  
J. Mason Melvin  
Lyle R. Monroe  
Marshall Murray  
Robert B. Noble  
Richard A. Nutting  
Mrs. Thomas Payne  
Catherine Pemberton  
Donald Rebal  
Arlyne E. Reichert  
Mrs. Mae Nan Robinson  
Richard B. Roeder  
George W. Rollins  
Miles Romney  
Sterling Rygg  
Don Scanlin  
John M. Schiltz  
Henry Siderius  
Clark E. Simon  
Carman M. Skari  
M. Lynn Sparks  
Lucile Speer  
R. J. Studer, Sr.

## CONSTITUTION

---

Mrs. John Justin  
    (Veronica) Sullivan  
William H. Swanberg  
John H. Toole  
Mrs. Edith M. Van Buskirk  
Robert Vermillion  
Roger A. Wagner  
Jack K. Ward  
Margaret S. Warden  
Archie D. Wilson  
Robert F. Woodmansey

## CONSTITUTION

---

### TRANSITION SCHEDULE

Transition Schedule. The following provisions shall remain part of this Constitution until their terms have been executed. Once each year the attorney general shall review the following provisions and certify to the secretary of state which, if any, have been executed. Any provisions so certified shall thereafter be removed from this Schedule and no longer published as part of this Constitution.

Section 1. Accelerated Effective Date

Section 2. Delayed Effective Date

Section 3. Prospective Operation of Declaration of Rights

Section 4. Terms of Judiciary

Section 5. Terms of Legislators

Section 6. General Transition.

Section 1. Accelerated effective date. Section 6 (SESSIONS) and section 14 (DISTRICTING AND APPORTIONMENT) of Article V, THE LEGISLATURE, shall be effective January 1, 1973.

## CONSTITUTION

---

Section 2. Delayed effective date. The provisions of sections 1, 2, and 3 of Article V, THE LEGISLATURE, shall not become effective until the date the first redistricting and reapportionment plan becomes law.

Section 3. Prospective operation of declaration of rights. Any rights, procedural or substantive, created for the first time by Article II shall be prospective and not retroactive.

Section 4. Terms of judiciary. Supreme court justices, district court judges, and justices of the peace holding office when this Constitution becomes effective shall serve the terms for which they were elected or appointed.

Section 5. Terms of legislators. (1) The terms of all legislators elected before the effective date of this Constitution shall end on December 31 of the year in which the first redistricting and reapportionment plan becomes law.

(2) The senators first elected under this Constitution shall draw lots to

## CONSTITUTION

---

establish a term of two years for one-half of their number.

Section 6. General transition. (1) The rights and duties of all public bodies shall remain as if this Constitution had not been adopted with the exception of such changes as are contained in this Constitution. All laws, ordinances, regulations, and rules of court not contrary to, or inconsistent with, the provisions of this Constitution shall remain in force, until they shall expire by their own limitation or shall be altered or repealed pursuant to this Constitution.

(2) The validity of all public and private bonds, debts, and contracts, and of all suits, actions, and rights of action, shall continue as if no change had taken place.

(3) All officers filling any office by election or appointment shall continue the duties thereof, until the end of the terms to which they were appointed or elected, and until their offices shall have been abolished or their successors selected and qualified in accordance with this Constitution or laws enacted pursuant thereto.



INDEX  
TO CONSTITUTION



## CONSTITUTION INDEX

---

References are to Article and Section Numbers

### A

Actions -- See Civil actions and procedure; Crimes and criminal procedure

Acts, V, 11 -- See Bills

Administration of justice, II, 16 -- See Civil actions and procedure; Crimes and criminal procedure

Adults, person 18 years of age or older is adult for all purposes, II, 14

person under 18 years of age entitled to all rights not specifically precluded, II, 15

### Agriculture

appropriations for protection, enhancement and development of agriculture, XII, 1

department of agriculture, provisions for, XII, 1

levies on livestock and commodities for disease control and indemnification, predator control, inspection, protection, research and promotion, XII, 1

maximum hours in regular day's work, agriculture and stock-raising employment excepted, XII, 2

Amendment of constitution, XIV -- See

## CONSTITUTION INDEX

---

### Constitution

#### Appeals

district court jurisdiction, VII, 4  
procedural rules promulgated by  
supreme court, VII, 2  
supreme court jurisdiction, VII, 2  
tax appeals, VIII, 7

#### Appointments by governor

department heads, VI, 8  
vacancy in executive office, VI, 6

#### Apportionment of state into legislative and congressional districts, procedure, V, 14

accelerated effective date,  
Transition Schedule, Sec. 1

#### Appropriations

bills, generally, V, 11  
budget  
appropriations not to exceed  
anticipated revenue, VIII, 9  
governor to submit budget to  
legislature, VI, 9  
expenditures, strict accountability  
of state and local governmental  
entities, VIII, 12  
appropriation and issuance of  
warrant required, VIII, 14

#### Archaeologic areas, provision for preservation and administration, IX, 4

#### Armed forces -- See Military affairs

#### Arms, right to bear, concealed weapons prohibited, II, 12

## CONSTITUTION INDEX

---

### Arrests

- electors at polling places, immunity of, IV, 6
- legislative members, immunity of, V, 8
- warrant for arrest, requirements, II, 11

Assembly, freedom of, II, 6

Assessment of property for tax purposes, VIII, 3

Attainder of treason or felony by legislature prohibited, II, 30

### Attorney general

- board of land commissioners, member of, X, 4
- candidacy for public office during term authorized, VI, 5
- compensation, VI, 5
  - salary commission, creation, duties, XIII, 3
- duties, VI, 4
- election, VI, 2
- executive branch, member of, VI, 1
- impeachment, subject to, V, 13
- legal officer of state, VI, 4
- oath of office, III, 3
- other government employment prohibited during term, VI, 5
- qualifications, VI, 3
- residence at seat of government, VI, 1
- term of office, VI, 1

## CONSTITUTION INDEX

---

vacancy in office, how filled, VI, 6

### Attorneys

bar admission, rules of supreme court, VII, 2

judicial officers, practice of law prohibited, VII, 9

### Auditor

board of land commissioners, member of, X, 4

candidacy for public office during term authorized, VI, 5

compensation, VI, 5

salary commission, creation, duties, XIII, 3

duties, VI, 4

election, VI, 2

executive branch, member of, VI, 1

impeachment, subject to, V, 13

oath of office, III, 3

other government employment prohibited during term, VI, 5

qualifications, VI, 3

residence at seat of government, VI, 1

term of office, VI, 1

vacancy in office, how filled, VI, 6

## B

Bail, all but capital offenses bailable, II, 21

## CONSTITUTION INDEX

---

excessive bail prohibited, II, 22  
Bar admission, rules of supreme court,  
VII, 2

Bear arms, right to, concealed weapons  
prohibited, II, 12

Bill of rights, II

procedural or substantive rights cre-  
ated for first time prospective and  
not retroactive, Transition Sched-  
ule, Sec. 3

unenumerated rights not denied,  
impaired or disparaged, II, 34

Bills

alteration or amendment changing  
original purpose prohibited, V, 11  
appropriation bills, V, 11

ayes and noes to be recorded, V, 11  
challenge of law for technical errors  
in passage, time limit, V, 11

private religious, charitable, indus-  
trial, educational or benevolent  
purposes, appropriation for prohib-  
ited, V, 11

special or local acts prohibited, V,  
12

subject clearly expressed in title,  
V, 11

veto by governor, VI, 10

vote required for passage, V, 11

Board of land commissioners, X, 4

Boards of education

board of public education, X, 9

## CONSTITUTION INDEX

---

board of regents of higher education,  
X, 9

school district trustees, X, 8

state board of education, X, 9

### Branches of government

executive branch, VI -- See Executive  
branch

judicial branch, VII -- See Judiciary

legislative branch, V -- See  
Legislature

separation of powers, III, 1

### Budget

appropriations not to exceed antici-  
pated revenue, VIII, 9

governor to submit budget to legis-  
lature, VI, 9

## C

Capital offenses not bailable, II, 21

Capitol of state located in Helena, III,  
2

executive officers to reside at seat  
of government, VI, 1

Cemeteries, tax exemption of property,  
VIII, 5

### Charities

appropriations for private purposes  
prohibited, V, 11

economic assistance and social and  
rehabilitative services, provision



## CONSTITUTION INDEX

---

- for, XII, 3
- perpetuities prohibited except for charitable purposes, XIII, 6
- property tax exemption, VIII, 5
- Children under 18 years of age entitled to all rights not specifically precluded by law, II, 15
- Churches
  - discrimination on account of religious ideas prohibited, II, 4
  - establishment of religion, laws respecting prohibited, II, 5
  - free exercise of religion guaranteed, II, 5
  - property tax exemption, VIII, 5
- schools
  - aid to sectarian schools by state prohibited, X, 6
  - nondiscrimination in education, X, 7
- Cities, XI -- See Local government
- Civil actions and procedure
  - appeals
    - district court jurisdiction, VII, 4
    - procedural rules promulgated by supreme court, VII, 2
    - supreme court jurisdiction, VII, 2
  - courts to be open to every person, II, 16
  - debt, imprisonment for, II, 27
  - district court jurisdiction, VII, 4

## CONSTITUTION INDEX

---

due process of law, II, 17  
eminent domain, II, 29  
employment injury, right of employee  
to redress for, II, 16  
jury trial, right of, number of  
jurors, number required for verdict,  
II, 26  
justice court jurisdiction, VII, 5  
libel or slander, truth given in evi-  
dence, jury to determine law and  
facts, II, 7  
right and justice to be administered  
without sale, denial or delay, II,  
16  
rules of practice and procedure  
promulgated by supreme court, VII, 2  
sovereign immunity abrogated except  
as provided by law, II, 18  
speedy remedy for every injury of  
person, property or character, II,  
16  
supreme court jurisdiction, VII, 2  
Civil rights, II  
education, nondiscrimination in, X, 7  
procedural or substantive rights cre-  
ated for first time prospective and  
not retroactive, Transition Sched-  
ule, Sec. 3  
unenumerated rights not denied,  
impaired or disparaged, II, 34  
Coal severance tax, trust fund, IX, 5  
Code of ethics prohibiting conflicts of

## CONSTITUTION INDEX

---

interest involving legislators and other public officials, XIII, 4  
Colleges and universities, X -- See Education  
Commutations of sentences, governor's power to grant, VI, 12  
Compact with United States not affected by new constitution, I  
Compensation of state officials  
    judicial officers, VII, 7  
    justices of the peace, VII, 5  
    legislators, V, 5  
    salary commission, creation, duties, XIII, 3  
    state executive officers, VI, 5  
Concealed weapons, carrying not permitted, II, 12  
Conflicts of interest involving legislators and other public officials, code of ethics to be provided, XIII, 4  
Congressional districts, commission for redistricting and reapportioning the state, V, 14  
    accelerated                      effective                      date,  
    Transition Schedule, Sec. 1  
Conservation  
    environment, provision for protection and improvement, IX, 1  
    reclamation of lands, IX, 2  
    water rights, IX, 3  
Constitution  
    alteration or abolition of constitu-

## CONSTITUTION INDEX

---

tion as exclusive right of people,  
II, 2  
amendment  
    convention, amendment by, XIV, 1  
    to 7 -- See constitutional con-  
    vention, below  
    initiative, amendment by, XIV, 9  
    petition signers, XIV, 10  
    more than one amendment submitted  
    at same election, separate  
    voting, XIV, 11  
    other constitutional provisions on  
    initiative or referendum not  
    applicable, III, 8  
compact with United States not  
affected by new constitution, I  
constitutional convention, XIV, 1 to  
7  
    call of convention upon majority  
    vote, XIV, 4  
    delegates, number, qualifications,  
    nomination, election, XIV, 4  
    oath of delegates, XIV, 6  
    vacancies, how filled, XIV, 6  
    duties of convention, XIV, 7  
    expenses of convention, XIV, 5  
    initiative petition for conven-  
    tion, XIV, 2  
    petition signers, XIV, 10  
    meeting of convention, time fixed  
    by legislature, XIV, 5  
    other constitutional provisions on

## CONSTITUTION INDEX

---

initiative or referendum not applicable, III, 8  
periodic submission to voters of question of holding convention, XIV, 3  
referendum on question of calling unlimited convention, vote required in legislature, XIV, 1  
submission of revisions, alterations or amendments to voters, XIV, 7  
effective date, See note following Sec. 1 of Transition Schedule  
accelerated effective date of Art. V, secs. 6, 14, Transition Schedule, Sec. 1  
delayed effective date of Art. V, Secs. 1, 2, 3, Transition Schedule, Sec. 2  
elective and appointive officers on effective date, terms of, Transition Schedule, Sec. 6  
general transition, Transition Schedule, Sec. 6  
judicial officers in office on effective date serve to end of terms, Transition Schedule, Sec. 4  
legislators, terms of, Transition Schedule, Sec. 5  
prospective operation of new procedural or substantive rights, Transition Schedule, Sec. 3

## CONSTITUTION INDEX

---

### Consumer protection

corporate practices, laws for protection and education of people, XIII, 1

utility companies, provision for consumer counsel to represent consumer interests before public service commission, XIII, 2

### Continuity of government in emergency, III, 2

### Contracts

corporations, law imposing new liability prohibited, XIII, 1

impairing obligation of contracts, law prohibited, II, 31

### Convention for revision, alteration or amendment of constitution, XIV, 1 to 7 -- See Constitution

### Corporations

appropriation for private association or corporation prohibited, V, 11

charters granted, modified or dissolved in pursuance of general law, XIII, 1

consumer protection laws to be provided, XIII, 1

retrospective law imposing new liability prohibited, XIII, 1

special privileges, franchises, or immunities prohibited, II, 31

### Counties deemed those existing on date of ratification of new constitution,

## CONSTITUTION INDEX

---

XI, 2 -- See Local government  
change of boundary or county seat,  
XI, 2  
optional form of government, XI, 3  
Courts, VII -- See District courts;  
Judges; Judiciary; Justices of the  
Peace; Supreme court  
Crimes and criminal procedure  
appeals  
district court jurisdiction, VII,  
4  
procedural rules promulgated by  
supreme court, VII, 2  
supreme court jurisdiction, VII, 2  
appear and defend in person and by  
counsel, right to, II, 24  
arrests  
electors at polling places,  
immunity of, IV, 6  
legislative members, immunity of,  
V, 8  
warrant for arrest, requirements,  
II, 11  
bail, all but capital offenses baila-  
ble, II, 21  
excessive bail prohibited, II, 22  
complaint, offenses prosecuted by,  
II, 20  
concealed weapons prohibited, II, 20  
counsel, right to, II, 24  
cruel and unusual punishments prohib-  
ited, II, 22

## CONSTITUTION INDEX

---

debt, imprisonment for prohibited,  
II, 27  
district court jurisdiction, VII, 4  
double jeopardy prohibited, II, 25  
due process of law, II, 17  
fines  
    excessive fines prohibited, II, 22  
    remission by governor, VI, 12  
grand jury, II, 20  
habeas corpus privilege, II, 19  
    supreme court jurisdiction, VII, 2  
indictment, criminal offenses prosecuted by, II, 20  
information, criminal offenses prosecuted by, II, 20  
jury trial, right to, II, 26  
    speedy public trial by impartial jury, II, 24  
    unanimous verdict required, II, 26  
justice courts jurisdiction, VII, 5  
libel or slander, truth given in evidence, jury to determine law and facts, II, 7  
punishment founded on principles of prevention and reformation, II, 28  
    cruel and unusual punishments prohibited, II, 22  
    restoration of rights on termination of state supervision, II, 28  
rights of accused generally, II, 24  
searches and seizures, requirements for warrant, II, 11



## CONSTITUTION INDEX

---

self-incrimination, compulsion prohibited, II, 25  
speedy public trial, right to, II, 24  
supreme court jurisdiction, VII, 2  
venue of prosecutions, right to change, II, 24  
witnesses

accused's right to meet face to face and have process to compel attendance, II, 24

detention of person as material witness, limitations on, II, 23

Cruel and unusual punishments prohibited, II, 22

Cultural resources, provision for preservation and administration, IX, 4

## D

Debt, imprisonment for prohibited, II, 27

Debt limitations

balanced budget, VIII, 9

local governmental entities, establishment of limitations by legislature, VIII, 10

state debt, VIII, 8

Decedents' estates, descent of, II, 30

Declaration of rights, II

procedural or substantive rights created for first time prospective and

## CONSTITUTION INDEX

---

not retroactive, Transition Schedule, Sec. 3

unenumerated rights not denied, impaired or disparaged, II, 34

### Departments of state government

agriculture department, XII, 1

appeals from administrative agencies, district court jurisdiction, VII, 4

appointment of officers, VI, 8

governor as supervisor of departments, VI, 8

heads of departments, VI, 8

removal from office as provided by law, V, 13

reports to governor, VI, 15

labor and industry department, XII, 2

number of principal departments, VI, 7

single executive to head each department, VI, 8

temporary commissions, VI, 7

Disabled persons, provision of economic assistance and social and rehabilitative services, XII, 3

### Disasters

continuity of government, III, 2

governor's power to call militia forces, VI, 13

importation of armed forces, application of legislature or governor, II, 33

Discrimination because of race, color,

## CONSTITUTION INDEX

---

sex, culture, social origin or condition, or political or religious ideas prohibited, II, 4

education, nondiscrimination in, X, 7

Distribution of powers, III, 1

District courts -- See also Judges; Judiciary

assignment of judges for temporary service from one district or county to another, VII, 6

boundaries of districts, establishment and change of, VII, 6

judicial districts, VII, 6

jurisdiction, VII, 4

number of districts, establishment and change, VII, 6

process extends to all parts of state, VII, 4

substitution of district judge for supreme court justice, VII, 3

vesting of judicial power in district courts, VII, 1

Districting and apportionment of state into legislative and congressional districts, procedure, V, 14

accelerated effective date,

Transition Schedule, Sec. 1

Double jeopardy prohibited, II, 25

Due process of law guaranteed, II, 17

## E

## CONSTITUTION INDEX

---

### Education

- appropriation for private educational purposes prohibited, V, 11
- boards of education
  - board of public education, X, 9
  - board of regents of higher education, X, 9
  - school district trustees, X, 8
  - state board of education, X, 9
- commissioner of higher education, X, 9
- discrimination prohibited, X, 7
- district trustees, X, 8
- duties of legislature in regard to educational goals, X, 1
- equality of opportunity guaranteed, X, 1
- free public elementary and secondary schools, X, 1
- goals of educational system, X, 1
- governor, ex officio member of boards of education, X, 9
  - reports to governor, VI, 15
- Indians, cultural integrity to be preserved, X, 1
- property tax exemption, VIII, 5
- public education, board of, X, 9
  - commissioner of higher education ex officio member, X, 9
  - governor ex officio member, X, 9
  - superintendent of public instruc-

## CONSTITUTION INDEX

---

tion ex officio member, X, 9  
public school fund, composition of,  
X, 2  
apportionment of interest and  
income, X, 5  
investment, VIII, 13  
inviolable and guaranteed against  
loss or diversion, X, 3  
religion  
aid to sectarian schools prohib-  
ited, exception, X, 6  
appropriation for private educa-  
tional purposes prohibited, V, 11  
nondiscrimination in education, X,  
7  
school lands  
apportionment of income to school  
districts, X, 5  
board of land commissioners, X, 4  
public school fund, proceeds from  
lands part of, X, 2  
sectarian schools  
aid prohibited, exception, X, 6  
appropriation for private educa-  
tional purposes prohibited, V, 11  
state board of education, composi-  
tion, responsibilities, X, 9  
state's share of cost of elementary  
and secondary school system, X, 1  
superintendent of public instruction,  
VI, 1 -- See Superintendent of  
public instruction

## CONSTITUTION INDEX

---

university funds, inviolate and  
guaranteed against loss or diver-  
sion, X, 10  
investment, VIII, 13; X, 10  
university system governed by board  
of regents, X, 9  
audit of funds under control of  
board, X, 9  
commissioner of higher education,  
appointment by board, X, 9  
governor ex officio member of  
board, X, 9  
superintendent of public instruc-  
tion ex officio member of board,  
X, 9

### Elections

absentee voting requirements, IV, 3  
abuses of electoral process to be  
guarded against, IV, 3  
administration of elections, provi-  
sion for, IV, 3  
arrest immunity at polling places,  
IV, 6  
ballot, secret ballot required, IV, 1  
candidates for public office, eligi-  
bility, IV, 4  
district court judges, selection,  
qualifications, VII, 8, 9  
electors, qualifications, IV, 2  
executive officers of state, terms,  
election, qualifications, VI, 1 to 3  
free exercise of suffrage guaranteed,

## CONSTITUTION INDEX

---

II, 13

immunity from arrest at polling places, IV, 6

justices of the peace, VII, 5

legislators, election, terms and qualifications, V, 3, 4

election and qualifications of members judged by each house, V, 10

local government alternative form submitted to electors, XI, 9

county government optional form, officers to be elected, XI, 3

plurality of votes elects, IV, 5

self-government charters, XI, 5

poll booth registration authorized, IV, 3

qualifications of electors, IV, 2

registration requirements, IV, 3

residence requirements, IV, 3

results, largest number of votes elects, IV, 5

secret ballot required, IV, 1

supreme court justices, selection, qualifications, VII, 8, 9

### Emergencies

continuity of government, III, 2

governor's authority to call militia forces, VI, 13

importation of armed forces, application of legislature or governor, II, 33

## CONSTITUTION INDEX

---

Eminent domain, just compensation required, II, 29

Employment

department of labor and industry,  
creation, appointment of commissioner, XII, 2

injury incurred in employment, right to legal redress for, II, 16

maximum hours in regular day's work, XII, 2

pursuit of life's basic necessities, right to, II, 3

Enemy attack

continuity of government, III, 2

governor's authority to call militia forces, VI, 13

importation of armed forces, application of legislature or governor, II, 33

Environment

protection and improvement, IX, 1

reclamation of lands, IX, 2

right to clean and healthful environment, II, 3

Equalization of valuation of property for tax purposes, VIII, 3

Equal protection of the laws guaranteed, II, 4

Estates, descent of, II, 30

Ethics, code prohibiting conflicts of interest involving legislators and other public officials, XIII, 4



## CONSTITUTION INDEX

---

Examination of public documents, right to, exception, II, 9

Executive branch, VI -- See also Attorney general; Auditor; Departments of state government; Governor; Lieutenant governor; Secretary of state; Superintendent of public instruction

candidacy for public office during term authorized, VI, 5

code of ethics for officers and employees, XIII, 4

compensation of officers, VI, 5

salary commission, creation, duties, XIII, 3

continuity of government in emergency, III, 2

duties of officers, VI, 4

election of officers, VI, 2

governor, executive power vested in, VI, 4

reports to governor, VI, 15

impeachment, officers subject to, procedure, V, 13

oath of office, III, 3

officers comprising executive branch, VI, 1

other government employment prohibited during term, VI, 5

public right of participation in decision making process, II, 8

qualifications of officers, VI, 3

## CONSTITUTION INDEX

---

removal from public office as provided by law, V, 13  
residence of officers at seat of government, VI, 1  
separation of powers, III, 1  
terms of office, VI, 1  
    elected or appointed officers in office or on effective date of new constitution, Transition Schedule, Sec. 6  
vacancy in office, how filled, VI, 6  
Executive clemency, VI, 12  
Exemptions  
    liberal exemption laws to be enacted, XIII, 5  
    property tax exemptions, VIII, 5  
Ex post facto laws prohibited, II, 31  
Expression, freedom of, II, 7

## E

### Felonies

    attainder of felony by legislature prohibited, II, 30  
    district court jurisdiction, VII, 4  
Fines and forfeitures  
    excessive fines prohibited, II, 22  
    remission by governor, VI, 12

## G

## CONSTITUTION INDEX

---

Gambling prohibited unless authorized by legislature or by people, III, 9

### Governor

- absence from state, lieutenant governor as acting governor, VI, 14
- appointments
  - department heads, VI, 8
  - vacancy in executive office, VI, 6
- board of land commissioners, member of, X, 4
- boards of education, ex officio member of, X, 9
- budget, submission to legislature, VI, 9
- candidacy for public office during term authorized, VI, 5
- citizenship, power to restore, VI, 12
- commander-in-chief of militia, VI, 13
- compensation, VI, 5
- death, succession of lieutenant governor, VI, 14
- delegation of constitutional powers to lieutenant governor prohibited, VI, 4
- departments of state government, supervisor of, VI, 8
- disqualification, succession of lieutenant governor, VI, 14
- election, joint filing with candidate for lieutenant governor, VI, 2
- executive branch, office in, VI, 1

## CONSTITUTION INDEX

---

executive power vested in office, VI,  
4  
fines and forfeitures, power to sus-  
pend or remit, VI, 12  
impeachment, subject to, V, 13  
inability to serve, procedure, lieu-  
tenant governor as acting governor,  
VI, 14  
information from branches and depart-  
ments of government, authority to  
require, VI, 15  
messages to legislature, VI, 9  
military affairs  
    call of militia forces, authority  
        of governor, VI, 13  
    commander-in-chief of militia  
        forces, VI, 13  
    importation of armed forces for  
        preservation of peace or suppres-  
        sion of domestic violence, II, 33  
oath of office, III, 3  
other government employment prohib-  
ited during term, VI, 5  
qualifications, VI, 3  
reprieves, commutations and pardons,  
power to grant, VI, 12  
senate confirmation of appointments,  
VI, 8  
special sessions of legislature,  
authority to convene, V, 6; VI, 11  
succession to office on death, dis-  
qualification or absence of gover-

## CONSTITUTION INDEX

---

nor, VI, 6, 14  
term of office, VI, 1  
vacancies in executive or administrative offices, governor's appointing power, VI, 6, 8  
vacancy in office of governor, succession, VI, 6, 14  
veto power, VI, 10  
Grand jury, II, 20

## H

Habeas corpus privilege never to be suspended, II, 19  
supreme court jurisdiction, VII, 2  
Highway revenues, permissible uses, diversion, VIII, 6  
Historic areas, provision for preservation and administration, IX, 4  
Homestead, liberal laws to be enacted, XIII, 5  
House of representatives -- See also Legislature  
accelerated effective date of Art. V, secs. 6, 14, Transition Schedule, Sec. 1  
delayed effective date of Art. V, secs. 1, 2, 3, Transition Schedule, Sec. 2  
election and terms of members, V, 3  
members in office on effective

## CONSTITUTION INDEX

---

date of new constitution,  
Transition Schedule, Sec. 5  
impeachment brought by two-thirds  
vote, V, 13  
number of members, V, 2  
one member for each district, V, 14  
accelerated effective date,  
Transition Schedule, Sec. 1  
vesting of legislative power, V, 1  
Human dignity inviolable, II, 4

### I

#### Impeachment of officers

conviction, vote required, V, 13  
initiation of proceedings in house of  
representatives, vote required, V,  
13  
officers subject to impeachment, V,  
13  
removal from office upon conviction,  
V, 13  
senate as tribunal, vote required for  
conviction, V, 13

#### Inalienable rights enumerated, II, 3

#### Indians

education, preservation of cultural  
integrity, X, 1  
lands under jurisdiction of Congress,  
I

#### Initiative and referendum

## CONSTITUTION INDEX

---

- constitutional revision
  - initiative for call of convention or amendment, XIV, 2, 9, 10
  - provisions of Art. III not applicable, III, 8
  - referendum on call of convention or amendment, XIV, 1, 8
- elections on measures, general or special, III, 8
- initiative petitions, contents, signing, filing, III, 4
  - appropriations of money excepted, III, 4
- constitutional convention or amendment, initiative for, XIV, 2, 9, 10
  - Art. III provisions not applicable, III, 8
  - gambling may be authorized, III, 9
  - local or special laws excepted, III, 4
- local government, powers reserved to qualified electors of local government unit, XI, 8
  - intergovernmental cooperation, initiative or referendum for, XI, 7
  - self-government charters, initiative for, XI, 5
- number of qualified electors, how determined, III, 7
- referendum, order by legislature or

## CONSTITUTION INDEX

---

- petition, III, 5
  - appropriation of money excepted, III, 5
  - constitutional convention or amendment, submission by referendum, XIV, 1, 8
  - provisions of Art. III not applicable, III, 8
  - signing and filing of petition, III, 5
- reservation of powers by the people, V, 1
- suspension of referred act, requirements, III, 5
- Institutions
  - establishment as public good may require, rights of persons committed, XII, 3
  - property tax exemptions, VIII, 5
  - reports to governor, VI, 15
- Invasion of privacy prohibited, II, 10
- Investment of public funds, VIII, 13

### J

- Judges -- See also District courts;  
Judiciary; Justices of the peace;  
Supreme court
  - absence from state forfeits judicial position, VII, 10
  - assignment of judges for temporary



## CONSTITUTION INDEX

---

service from one district or county  
to another, VII, 6  
compensation of justices and judges,  
VII, 7  
    justices of the peace, VII, 5  
districts, number of judges, estab-  
lishment, VII, 6  
elections  
    justices of the peace, VII, 5  
    supreme court justice or district  
    court judge, VII, 8  
judicial standards commission, VII,  
11  
nominations confirmed by senate, VII,  
8  
oath of office, III, 3  
political candidacy forfeits judicial  
position, VII, 10  
practice of law by justice or judge  
prohibited, VII, 9  
qualifications of justices or judges,  
VII, 9  
removal and discipline of judges,  
VII, 11  
selection of judges, VII, 8  
solicitation of compensation on ac-  
count of office prohibited, VII, 9  
substitution of district judge for  
supreme court justice, VII, 3  
terms of office, VII, 7  
    justices and judges in office on  
    effective date of new constitu-

## CONSTITUTION INDEX

---

- tion, Transition Schedule, Sec. 4
- vacancies, how filled, VII, 8
- Judiciary -- See also Civil actions and procedure; Crimes and criminal procedure; District courts; Judges; Justices of the peace; Supreme court
  - courts to be open to every person, II, 16
  - judicial districts, VII, 6
  - judicial standards commission, VII, 11
  - other courts provided by law, judicial power vested in, VII, 1
  - right and justice to be administered without sale, denial or delay, II, 16
  - separation of powers, III, 1
  - speedy remedy afforded for every injury of person, property or character, II, 16
- Justices of the peace -- See also Judges; Judiciary
  - absence from state forfeits judicial position, VII, 10
  - compensation, VII, 5
  - election in each county, VII, 5
  - jurisdiction, VII, 5
  - number of justices, VII, 5
  - political candidacy forfeits judicial position, VII, 10
  - qualifications, VII, 5
  - removal and discipline, VII, 11

## CONSTITUTION INDEX

---

terms of justices, VII, 7  
  justices in office on effective  
    date of new constitution,  
      Transition Schedule, Sec. 4  
vesting of judicial power in justice  
  courts, VII, 1

### L

#### Labor

  department of labor and industry,  
    creation, appointment of commis-  
      sioner, XII, 2  
  injury in employment, right to legal  
    redress for, II, 16  
  maximum hours in regular day's work,  
    XII, 2  
  pursuit of life's basic necessities,  
    right to, II, 3

Lands of state, X -- See Public lands

Laws, V, 11 -- See Bills

#### Legislature

  adjournments, limitations upon, V, 10  
  apportionment, V, 14  
  arrest immunity of members, V, 8  
  attendance of absent members, less  
    than majority may compel, V, 10  
  biennial sessions, V, 6  
  bills, form and procedure for pas-  
    sage, V, 11 -- See Bills  
  budget, submission by governor, VI, 9

## CONSTITUTION INDEX

---

code of ethics for members, XIII, 4  
commission for redistricting and reapportioning legislative and congressional districts, V, 14  
committees, power to establish, meetings open to public, V, 10  
compensation of members, V, 5  
    salary commission, creation, duties, XIII, 3  
composition of legislature, V, 1  
contested elections, power of courts to try, V, 10  
continuity of government in emergency, III, 2  
districting and apportionment, V, 14  
effective dates of new constitutional provisions  
    accelerated effective date of Art. V, secs. 6, 14, Transition Schedule, Sec. 1  
    delayed effective date of Art. V, secs. 1 to 3, Transition Schedule, Sec. 2  
election of members, V, 3  
    contested election, power of courts to try, V, 10  
    each house judge of election and qualifications of members, V, 10  
expulsion of member, vote required, V, 10  
governor's power to convene legislature, V, 6; VI, 11

## CONSTITUTION INDEX

---

hearings open to public, V, 10  
house of representatives, number of  
members, V, 2  
    one member for each district, V,  
    14  
immunity of members from arrest, V, 8  
impeachment of officers, procedure,  
V, 13  
initiative and referendum powers  
reserved by the people, V, 1 -- See  
Initiative and referendum  
journal of proceedings to be kept, V,  
10  
legislative council, establishment,  
V, 10  
length of sessions, V, 6  
members' power to convene legis-  
lature, V, 6  
messages submitted by governor, VI, 9  
number of members, V, 2  
oath of office, III, 3  
officers chosen from members, V, 10  
other public office, disqualification  
from holding, V, 9  
power of legislature, V, 1  
punishment of member, vote required,  
V, 10  
qualifications of members, V, 4  
    election and qualifications judged  
    by each house, V, 10  
quorum, majority of each house con-  
stitutes, V, 10

## CONSTITUTION INDEX

---

- recess, limitations upon, V, 10
- representatives, number of members,  
V, 2
  - one member for each district, V,  
14
- senate, number of members, V, 2
  - district, composition of, V, 14
- separation of powers, III, 1
- sessions
  - biennial sessions, V, 6
  - open to public, V, 10
  - special sessions, V, 6; VI, 11
- size of legislature, V, 2
- special sessions, V, 6
  - governor's power to convene legis-  
lature, V, 6; VI, 11
  - members' power to convene legis-  
lature, V, 6
- structure of legislature, V, 1
- terms of members, V, 3
  - legislators elected before effec-  
tive date of new constitution,  
Transition Schedule, Sec. 5
  - senators first elected under new  
constitution, Transition Sched-  
ule, Sec. 5
- vacancies, how filled, V, 7
- vesting of legislative power in  
legislature, V, 1
- Libel**, truth as evidence in suits and  
prosecutions, determination of law and  
facts by jury, II, 7

## CONSTITUTION INDEX

---

Libraries, property tax exemption, VIII, 5

Lieutenant governor

candidacy for public office during term authorized, VI, 5

compensation, VI, 5

salary commission, creation, duties, XIII, 3

delegation of governor's constitutional powers prohibited, VI, 4

duties, VI, 4

election, joint filing with candidate for governor, VI, 2

executive branch, member of, VI, 1

impeachment, subject to, V, 13

oath of office, III, 3

other government employment prohibited during term, VI, 5

qualifications, VI, 3

residence at seat of government, VI, 1

succession to office of governor, VI, 6, 14

term of office, VI, 1

vacancy in office, how filled, VI, 6

Lives and liberties, right of persons to enjoy and defend, II, 3

Livestock, levies for disease control and indemnification, predator control, inspection, protection, research and promotion, XII, 1

Local acts prohibited, V, 12

## CONSTITUTION INDEX

---

### Local government

- code of ethics for officers and employees, XIII, 4
- counties deemed those existing on date of ratification of constitution, XI, 2
  - change of boundary or county seat, XI, 2
  - optional form of government, XI, 3
- debt limitations established by legislature, VIII, 10
- definition of "local government units", XI, 1
- establishment of local government units by law, XI, 1
- expenditures, strict accountability for, VIII, 12
- initiative and referendum powers extended to electors, XI, 7, 8
- intergovernmental cooperation, XI, 7
- loan proceeds used only for purposes specified, VIII, 11
- optional forms of government, XI, 3
- powers
  - local government unit adopting self-government charter, XI, 6
  - local government unit without self-government powers, XI, 4
- public right of participation in decision making process, II, 8
- review of structure of government, time for, when required, XI, 9



## CONSTITUTION INDEX

---

self-government    charters, establish-  
                      ment authorized, procedure, XI, 5  
sovereign immunity abolished except  
                      as provided by law, II, 18  
special improvement districts author-  
                      ized, VIII, 5  
taxation  
                      appeal    procedures for taxpayer  
                                  grievances, VIII, 7  
                      property exempt from    taxation,  
                                  VIII, 5  
                      strict accountability for revenue  
                                  received, VIII, 12  
voter review of structure of govern-  
                      ment, time for, when required, XI, 9  
Lotteries prohibited unless authorized  
by legislature or by people, III, 9

## M

### Military affairs

                      civilian control, II, 32  
                      continuity of government in emer-  
                                  gency, III, 2  
                      importation of armed persons or  
                                  forces prohibited, exception, II, 33  
                      militia forces of state  
                                  call of forces, when authorized,  
                                  VI, 13  
                                  composition of forces, VI, 13  
                      governor    as commander-in-chief,

## CONSTITUTION INDEX

---

### VI, 13

quartering of soldiers in houses prohibited, II, 32

servicemen, servicewomen and veterans, special treatment, II, 35

Minors entitled to all rights not specifically precluded by law, II, 15

## N

Naturalization power of district court, VII, 4

### Natural resources

coal severance tax, trust fund, IX, 5  
depletion and degradation, provision

for preventive remedies, IX, 1

reclamation of lands, IX, 2

resource indemnity trust, IX, 2

water rights, IX, 3

## O

Oath of office, III, 3

Obligation of contract, impairment by law prohibited, II, 31

Old persons, provision of economic assistance and social and rehabilitative services for, XII, 3

## CONSTITUTION INDEX

---

### P

Pardons, governor's power to grant, VI, 12

Peaceable assembly, freedom of, II, 6

Perpetuities, prohibited except for charitable purposes, XIII, 6

Political power vested in and derived from people, II, 1

Popular sovereignty, II, 1

Press, freedom of, II, 7

Privacy, right of, II, 10

Private schools

aid to sectarian schools prohibited, exception, X, 5

appropriation for private educational purposes prohibited, V, 11

Property

descent of estate, II, 30

homestead and exemption laws, XIII, 5

perpetuities prohibited except for charitable purposes, XIII, 6

public lands, X, 11 -- See Public lands

right of persons to acquire, possess and protect, II, 3

state liability for injury to person or property, immunity as provided by law, II, 18

taxes, VIII -- See Revenue and finance

Public education, X -- See Education;

## CONSTITUTION INDEX

---

### Superintendent of public instruction Public lands

- board of land commissioners, composition, authority, X, 4
- classification of public lands by board, X, 11
- disposition of public lands, restrictions on, X, 11
- exchange of public lands, when authorized, X, 11
- public school fund, lands included in, X, 2
- trust status of public lands, X, 11
- United States, restrictions on disposition of land grants from, X, 11

### Public participation in governmental processes

- examination of government documents or observation of deliberation of public bodies, exception, II, 9
- legislative sessions and meetings open to public, V, 10
- participation by people in decision making process of state and local government, II, 8

### Public schools, X -- See Education; Superintendent of public instruction

### Public utilities

- consumer counsel to represent consumer interests before public service commission, funding by special tax, XIII, 2

## CONSTITUTION INDEX

---

special privileges, franchises or immunities prohibited, II, 31

### Punishment of crime

cruel and unusual punishments prohibited, II, 22

debt, imprisonment for prohibited, II, 27

excessive fines prohibited, II, 22

prevention and reformation principles as foundation, II, 28

restoration of rights on termination of state supervision, II, 28

## E

Reclamation of lands, IX, 2

Recreational areas, provision for preservation and administration, IX, 4

Redistricting and reapportionment of state into legislative and congressional districts, procedure, V, 14

accelerated effective date, Transition Schedule, Sec. 1

Regents of higher education, board of, X, 9

### Religion

appropriation for religious purposes prohibited, V, 11

discrimination on account of religious ideas prohibited, II, 4

establishment of religion, laws

## CONSTITUTION INDEX

---

- respecting prohibited, II, 5
- free exercise of religion guaranteed, II, 5
- property tax exemption, VIII, 5
- schools
  - aid to sectarian schools by state prohibited, X, 6
  - nondiscrimination in education, X, 7
- Reprieves, governor's power to grant, VI, 12
- Resource Indemnity trust, IX, 2
- Revenue and finance
  - appeal procedures for taxpayer grievances, VIII, 7
  - budget
    - appropriations not to exceed anticipated revenue, VIII, 9
    - governor to submit budget to legislature, VI, 9
  - coal severance tax, trust fund, IX, 5
  - consumer counsel, special tax on revenues of regulated companies for, XIII, 2
  - expenditures, strict accountability of state and local governmental entities, VIII, 12
    - appropriation and issuance of warrant required, VIII, 14
  - highway revenues, restrictions on use, VIII, 6
  - indebtedness

## CONSTITUTION INDEX

---

local government debt limitations  
fixed by legislature, VIII, 10  
state debt, vote required for cre-  
ation of, creation to cover defi-  
cits prohibited, VIII, 8  
investment of public funds, VIII, 13  
levy of taxes by general laws for  
public purposes, VIII, 1  
livestock and commodities, levies for  
disease control and indemnification,  
predator control, inspection, pro-  
tection, research and promotion,  
XII, 1  
loan proceeds to be used only for  
purposes specified, VIII, 11  
local government debt limitation  
fixed by legislature, VIII, 10  
power to tax inalienable, VIII, 2  
property taxes  
appeal procedure for taxpayer  
grievances, VIII, 7  
exemptions, VIII, 5  
valuation of property  
appraisal, assessment and  
equalization by state, VIII, 3  
equal valuation used throughout  
state, VIII, 4  
revenues received, strict account-  
ability of state, and local govern-  
mental entities, VIII, 12  
special improvement districts author-  
ized, VIII, 5

## CONSTITUTION INDEX

---

state debt, vote required for creation of, creation to cover deficits prohibited, VIII, 8

### Rights, declaration of, II

procedural or substantive rights created for first time prospective and not retroactive, Transition Schedule, Sec. 3

unenumerated rights not denied, impaired or disparaged, II, 34

### Riots

call of militia forces by governor, VI, 13

governor's authority to call militia forces, VI, 13

importation of armed forces for preservation of peace or suppression of domestic violence, II, 33

## S

Safety, health and happiness, right of person to seek, II, 3

### Salaries of state officials

judicial officers, VII, 7

justices of the peace, VII, 5

legislators, V, 5

salary commission, creation, duties, XIII, 3

state executive officers, VI, 5

Scenic areas, provision for preservation



## CONSTITUTION INDEX

---

and administration, IX, 4  
Schools, X -- See Education;  
Superintendent of public instruction  
Scientific areas, provision for preservation and administration, IX, 4  
Searches and seizures, requirements for warrant, II, 11  
Seat of government in Helena, III, 2  
    executive officers to reside at seat of government, VI, 1  
Secretary of state  
    board of land commissioners, member of, X, 4  
    candidacy for public office during term authorized, VI, 5  
    compensation, VI, 5  
        salary commission, creation, duties, XIII, 3  
    duties, VI, 4  
    election, VI, 2  
    executive branch, member of, VI, 1  
    impeachment, subject to, V, 13  
    oath of office, III, 3  
    other government employment prohibited during term, VI, 5  
    qualifications, VI, 3  
    residence at seat of government required, VI, 1  
    term of office, VI, 1  
    vacancy in office, how filled, VI, 6  
Sectarian schools  
    aid to sectarian schools prohibited,

## CONSTITUTION INDEX

---

- exception, X, 6
- appropriation for private educational purposes prohibited, V, 11
- Self-incrimination, compulsion prohibited, II, 25
- Senate
  - delayed effective date of Art. V, secs. 1 to 3, Transition Schedule, Sec. 2
  - district, composition of, V, 14
    - accelerated effective date, Transition Schedule, Sec. 1
  - election and terms of members, V, 3
    - members in office on effective date of new constitution, Transition Schedule, Sec. 5
    - senators first elected under new constitution, Transition Schedule, Sec. 5
  - number of members, V, 2
  - vesting of legislative power in senate, V, 1
- Separation of powers among branches of government, III, 1
- Servicemen and servicewomen
  - homes for care of veterans, XII, 3
  - special treatment in the law, II, 35
- Slander, truth as evidence in suits and prosecutions, jury determination of law and facts, II, 7
- Sovereign immunity abolished except as provided by law, II, 18

## CONSTITUTION INDEX

---

### Sovereignty

popular sovereignty, II, 1

state sovereignty, II, 2

### Special acts prohibited, V, 12

Special privileges, franchises or immunities, irrevocable grant prohibited, II, 31

Special sessions of legislature, convening of, V, 6; VI, 11

Speech, freedom of, II, 7

State board of education, X, 9

State capitol at Helena, III, 2

executive officers to reside at seat of government, VI, 1

State liability for injury to person or property except as required by law, II, 18

State sovereignty, II, 2

Statutes, V, 11 -- See Bills

Succession to office of governor on death, disqualification or absence, VI, 6, 14

Suffrage, right of, II, 13

Suicides, descent of property as in cases of natural death, II, 30

Superintendent of public instruction

board of land commissioners, member of, X, 4

boards of education, ex officio member of, X, 9

candidacy for public office during term authorized, VI, 5

## CONSTITUTION INDEX

---

compensation, VI, 5  
duties, VI, 4  
election, VI, 2  
executive branch, member of, VI, 1  
impeachment, subject to, V, 13  
oath of office, III, 3  
other government employment prohibited during term, VI, 5  
qualifications, VI, 3  
residence at seat of government, VI, 1  
term of office, VI, 1  
vacancy in office, how filled, VI, 6  
Supreme Court -- See also Judges;  
Judiciary  
assignment of district judges for temporary service, power of chief justice, VII, 6  
composition of court, VII, 3  
election of justices, VII, 8  
jurisdiction, VII, 2  
process extends to all parts of state, VII, 2  
rulemaking power, VII, 2  
substitution of district judge for justice, VII, 3  
supervisory control over other courts, VII, 2  
vesting of judicial power in supreme court, VII, 1

## CONSTITUTION INDEX

---

### I

Taxation, VIII -- See Revenue and finance

Towns, XI -- See Local government

Trade practices

consumer counsel to represent consumer interests before public service commission, XIII, 2

special privileges, franchises or immunities, prohibited, II, 31

utility companies, provision for consumer counsel to represent consumer interests before public service commission, XIII, 2

Transition Schedule

accelerated effective date of Art. V, secs. 6 (sessions) and 14 (districting and apportionment), Sec. 1

delayed effective date of Art. V, secs. 1 to 3 (the legislature), Sec. 2

elective and appointive officers in office on effective date of constitution, terms of, Sec. 6

general transition, Sec. 6

judicial officers in office on effective date of constitution, terms of, Sec. 4

laws, ordinances, regulations and court rules, how affected, Sec. 6

legislators, terms of, Sec. 5

## CONSTITUTION INDEX

---

prospective operation of new procedural or substantive rights, Sec. 3  
public and private bonds, debts and contracts, validity continued, Sec. 6

rights and duties of public bodies, how affected, Sec. 6

suits, actions and rights of action, validity continued, Sec. 6

Treason, requirements for conviction, effect of conviction, attainder of treason by legislature prohibited, II, 30

## U

Unenumerated rights not denied, impaired or disparaged, II, 34

United States

compact with United States not affected by new constitution, I

land grants, restrictions on disposition of, X, 11

property tax exemption, VIII, 5

Universities, X, 9 -- See Education

## V

Veterans

homes for care of veterans, XII, 3

## CONSTITUTION INDEX

---

special treatment in the law, II, 35  
Veto power of governor, VI, 10

### W

#### War

civilian control of military, II, 32  
continuity of government, III, 2  
importation of armed forces for  
preservation of peace or suppression  
of domestic violence, II, 33  
quartering of soldiers in houses pro-  
hibited, II, 32

Water rights, IX, 3

Welfare, provisions of economic assis-  
tance and social and rehabilitative  
services required, XII, 3

Workmen's compensation, effect of provi-  
sion by employer, II, 16





## DEADLINES AND TIME LIMITATIONS (continued)

Action	Time	Rule No.
Introduction of bills or resolutions	14th day or 2 days after delivery	6-7
committee bills	40th day	6-7
revenue bills	66th day	6-7
revenue bills	21st day	6-7
committee bills	66th day	6-7
Lobbying on floor prohibited	½ hour before to ½ hour after	2-2
house of representatives	2 hours before to ½ hour after	H2-1
Printing of bills	3 days	6-19
Recess	3 days	2-4
Reconsider, motion to	1 day	5-4; S5-1
Request of bills or resolutions	10th day	6-7
committee bills	36th day	6-7
revenue bills	62nd day	6-7
revenue bills	17th day	6-7
committee bills	62nd day	6-7
Revenue bills		
introduction	21st day	6-7
committee	66th day	6-7
request	17th day	6-7
committee	62nd day	6-7
transmittal	70th day	6-34
Rules, house—committee report	1 day	H4-1
Second reading		
after 50th day	1 day after report out	6-22
conference committee report	1 day	S7-3
7 day rule, committee reports	7 day	7-2
Signing by governor	5 days; 25 days	6-30
Third reading		
conference committee report	same day	S7-3
reconsider	1 day	S5-1
Transmittal of		
amendments	70th day	6-34
appropriation bills	70th day	6-34
bills	45th day	6-34
revenue bills	70th day	6-34

Montana State Library



3 0864 1007 0221 9



800 copies of this public document were published at an estimated cost of \$1.58 per copy, for a total cost of \$1,261.07, which includes \$1,261.07 for printing and \$.00 for distribution.